



WHERE COMMUNITY AND SPIRIT MEET

**Kirkwood City Council  
Agenda  
Thursday, June 6, 2019, 7:00 p.m.  
Kirkwood City Hall  
City Council Chambers  
139 South Kirkwood Road  
Kirkwood, MO 63122**

*Posted on May 31, 2019/Amended and posted on June 4, 2019*

**I. PLEDGE OF ALLEGIANCE**

**II. ROLL CALL**

**III. INTRODUCTIONS AND RECOGNITIONS**

**IV. PRESENTATIONS**

1. Police Department Awards

**V. PUBLIC HEARINGS**

1. Amendments to the Zoning Code regarding regulation of Medical Marijuana related to Amendment 2 of the State Constitution – Citywide
2. A request for a Special Use Permit for a Pet Day Care and Commercial Kennel with Outdoor Use proposed for 902 S. Kirkwood Road (Camp Bow Wow)
3. A request for a Special Use Permit for a Restaurant at 151 W. Jefferson (Gelato Di Riso)

**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 May 16, 2019 City Council Meeting Minutes
- b) Resolution 80-2019, authorizing an application for use of Community Development Block Grant Funds for the fiscal year 2020 and allocation of said funds (\$46,800)
- c) Resolution 81-2019, authorizing the Chief Administrative Officer to enter into a Collective Bargaining Agreement with the Local Union No. 2665 of the International Association of Firefighters through December 31, 2021
- d) Resolution 82-2019, appointing members to the Library Board
- e) Resolution 83-2019, appointing members to the Arts Commission
- f) Resolution 84-2019, endorsing St. Louis County's Grant Program for the City of Kirkwood's waste reduction efforts
- g) Resolution 85-2019, amending and readopting the City of Kirkwood City Fee Schedules relating to ambulance, building permits, parks and recreation user fees and utilities



WHERE COMMUNITY AND SPIRIT MEET™

- h) Resolution 87-2019, amending the contract with N.B. West Contracting Co., by increasing the contract amount for 2019 Ultra-Thin Bonded Asphalt Wearing Surface (increase by \$186,262 for a not to exceed amount of \$552,936.80)
- i) Resolution 88-2019, amending the contract with Ford Asphalt Co., by increasing the contract amount for 2019 Asphaltic Concrete Overlays (increase by \$220,000 for a not to exceed amount of \$880,000)

**VIII. UNFINISHED BUSINESS**

- 1. Bill 10751, amending the Kirkwood Code of Ordinances, Chapter 23, Article III. “City Electric System”, Division 2. “Rates, Charges & Billing”, Section 23-84 “Rates Established”, by removing Subparagraph (b) in its entirety and renumbering the remaining subparagraphs accordingly
- 2. Bill 10752, amending the Kirkwood Code of Ordinances, Chapter 23, Article IV. “City Water System”, Division 2. “Rates, Charges & Billing”, by removing Section 23-142 “Water Rates” in its entirety and renumbering the remaining sections accordingly
- 3. Bill 10753, reappropriating funds to the Building and Site Improvements Account, Project #PF1911, from Fiscal Year 2018/2019 to Fiscal Year 2019/2020 for the Performing Arts Center Construction (\$2,523,794)
- 4. Bill 10754, appropriating funds from the General Fund Fund Balance to Account #101-1201-421.23.01 for legal expenses for the Police Department (\$11,668)
- 5. Bill 10755, appropriating funds from the General Fund Fund Balance to Account #101-1102-412.32.01 for legal expenses for the Administration Department (\$63,268)
- 6. Bill 10756, appropriating funds from the Medical Fund Fund Balance to Account #602-3112-442.31.10 for medical claims (\$39,135)
- 7. Bill 10757, appropriating funds from the Workers’ Compensation Fund Fund Balance to Account #601-3110-441.21.02 for Workers’ Compensation Claims (\$215,241)
- 8. Bill 10758, appropriating funds from the Capital Fund Fund Balance to Account #301-1704-600.75.03, Project #FO2005 and Project #FO2006, amending the contract with JW Fuller Construction, LLC, for City Hall Cupola Carpentry Repair Services and Gazebo Carpentry Repair Services and authorizing and directing the Mayor to enter into an amended contract (\$45,557)

**IX. NEW BUSINESS**

- 1. Bill 10759, adopting a revised City of Kirkwood Classification and Pay Plan
- 2. Bill 10760, appropriating funds from the GEMT Program Account to multiple accounts (\$140,673)
- 3. Bill 10761, appropriating funds from the Reappropriations Account to Account #505-2215-481.75.15, Project #WA1907 for the Swan Avenue Pump Station project (\$1,358,126)
- 4. Resolution 86-2019, authorizing the offering for sale of refunding Certificates of Participation (City of Kirkwood, Missouri, Lessee), Series 2019

**X. CONSENT AGENDA ITEMS FOR DISCUSSION (IF ANY)**



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**XI. CITY COUNCIL REPORTS**

**XII. CHIEF ADMINISTRATIVE OFFICER REPORTS**

*\*Other Items may be added after the publication of the agenda. Please contact the City Clerk's Office at 822-5802 for any additional information that may have been added after the publication of the agenda.*

**XIII. CITY ATTORNEY REPORTS**

**XIV. CITY CLERK REPORTS**

1. Report of the June 5, 2019 Planning and Zoning Commission meeting
2. Destruction of Records Form received from the Police Department

*\*Other Items may be added after the publication of the agenda. Please contact the City Clerk's Office at 822-5802 for any additional information that may have been added after the publication of the agenda.*

**XV. MEETING ADJOURNMENT**

**PLEASE NOTE:** The next regular meeting of the Kirkwood City Council will take place **at 7:00 p.m. on June 20, 2019.**

**UPCOMING PUBLIC HEARINGS**

NONE

**CONTINUED ITEMS**

NONE

**TABLED ITEMS**

1. Bill 10645, amending the provisions of the Municipal Code, Appendix A – Zoning, regarding Side Yard Setbacks in the R-3 Single Family Residential District
2. Bill 10690, amending the provisions of the Municipal Code, Appendix A – Zoning, regarding Height Requirement in the B-2 Business District

**Kirkwood City Council:** Mayor Tim Griffin; Council Members Nancy Luetzow, Maggie Duwe, Ellen Edman, Mark Zimmer, Wallace Ward, and Kara Wurtz

**Contact Information:** For full City Council contact information visit [www.kirkwoodmo.org/council](http://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:

**Amendments to the Zoning Code regarding regulation of Medical Marijuana related to Amendment 2 of the State Constitution – Citywide**

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 Jonathan Raiche**

Mayor: Georgia, 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

STATE OF MISSOURI  
COUNTY OF ST. LOUIS

} S.S.

Page 1 of 1

Before the undersigned Notary Public personally appeared **Chanel Jones** on behalf of **THE COUNTIAN, ST. LOUIS COUNTY** who, being duly sworn, attests that said newspaper is qualified under the provisions of Missouri law governing public notices to publish, and did so publish, the notice annexed hereto, starting with the **May 21, 2019** edition and ending with the **May 21, 2019** edition, for a total of 1 publications:

05/21/2019

## 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, June 6, 2019 to consider the following:

1. *Amendments to the Zoning Code regarding regulation of Medical Marijuana related to Amendment 2 of the State Constitution - Citywide*
2. *A request for a Special Use Permit for a Pet Day Care and Commercial Kennel with Outdoor Use proposed for 902 S. Kirkwood Road (Camp Bow Wow)*
3. *A request for a Special Use Permit for a Restaurant at 151 W. Jefferson (Gelato Di Riso)*

Laurie Asche, CMC/MRCC  
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.  
11747084 County May 21, 2019

*Chanel Jones*

Chanel Jones

Subscribed & sworn before me this 21<sup>st</sup> day of May, 2019  
(SEAL)

*Tynisha Robinson*  
Notary Public

TYNSHA ROBINSON  
Notary Public - Notary Seal  
State of Missouri  
Commissioned for St. Louis City  
My Commission Expires: August 14, 2021  
Commission Number: 17799424



## AFFIDAVIT OF PUBLICATION

**City of Kirkwood**

Attn: Laurie Asche  
City Clerk  
139 S. Kirkwood Rd.  
Kirkwood, MO 63122

I, Terry Cassidy, verify that the attached Public Hearing  
Notice was published in the Webster-Kirkwood Times on

May 24, 2019

  
Advertising Consultant



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

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- 1. Amendments to the Zoning Code regarding regulation of Medical Marijuana related to Amendment 2 of the State Constitution – Citywide***
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- 3. A request for a Special Use Permit for a Restaurant at 151 W. Jefferson (Gelato Di Riso)***

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WHERE COMMUNITY AND SPIRIT MEET

May 16, 2019

Russell B. Hawes  
Chief Administrative Officer

At the May 15, 2019, meeting of the Planning and Zoning Commission, the following action was taken:

1. The Commission unanimously recommended approval of the final plat and development plans for an eight-lot Community Unit Plan known as Emmerson Estates Subdivision at 2017 Lily Avenue and 2040 Boaz Avenue.
2. The Commission unanimously recommended approval of Special Use Permits for a kennel/pet day care/outdoor use and the associated site plan or Camp Bow Wow at 902 South Kirkwood Road.
3. The Commission unanimously recommended approval of a Special Use Permit for a restaurant known as Gelato Di Riso at 151 West Jefferson Avenue.
4. By a vote of 5 to 2, the Commission recommended approval of amendments to the Zoning Code for medical marijuana facilities.

The next meeting will be held on June 19, 2019, at 7 p.m.

Respectfully submitted,

Allen Klippel, Chair  
Planning and Zoning Commission



# MEMORANDUM



WHERE COMMUNITY AND SPIRIT MEET®

**TO:** PLANNING & ZONING COMMISSION  
**FROM:** JONATHAN D. RAICHE, CITY PLANNER *JDR*  
AMY LOWRY, ASSISTANT CITY PLANNER  
**SUBJECT:** ZONING CODE CHANGES FOR IMPLEMENTATION OF LEGALIZED MEDICAL MARIJUANA, AMENDMENT 2  
**DATE:** APRIL 29, 2019  
**CC:** BILL BENSING, PUBLIC SERVICES DIRECTOR

## INTRODUCTION

Amendment 2 to the Missouri Constitution was approved by voters on November 6, 2018 and allows “state-licensed physicians to recommend marijuana for medical purposes to patients with serious illnesses and medical conditions.” The Missouri Department of Health and Senior Services (DHSS) will grant licenses for the cultivation, manufacture, dispensing, sale, testing, tracking, and transportation of marijuana for medical use. The Amendment allows businesses to operate in the following areas of cultivation and dispensation:

- Cultivation/Agriculture
- Manufacturing/Extraction
- Dispensing/Patient Care
- Testing/Labs

Cities may regulate the “time, place, and manner” of the operation of medical marijuana facilities as long as the regulations are not unduly burdensome on the operation of the medical marijuana facilities. Amendment 2 also includes a requirement that a medical marijuana facility may not be initially located within 1000 feet of any then-existing elementary or secondary school, child daycare center, or church; however, this spacing requirement may be decreased if a city chooses. A city may require a business license, but not a special license. After reviewing Amendment 2 and ordinances from other Missouri cities (see attached Exhibit A), Staff recommends the following changes to the Zoning Code.

## DEFINITIONS

The terms: “Marijuana,” “Marijuana-Infused Products,” “Medical Marijuana Cultivation Facility,” “Medical Marijuana Dispensary Facility,” “Medical Marijuana- Infused Products Manufacturing Facility,” and “Medical Marijuana Testing Facility” are defined in Amendment 2 and should be added in alphabetical order to the definitions section of the Zoning Code as follows (Section A 140.1):

- **Marijuana or Marihuana** – *Cannabis indica*, *Cannabis sativa*, and *Cannabis ruderalis*, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the plant and marijuana-infused products. “Marijuana” or “Marihuana” do not include industrial hemp containing a crop-wide average tetrahydrocannabinol concentration that does not exceed

three-tenths of one percent on a dry weight basis, or commodities or products manufactured from industrial hemp.

- **Marijuana-Infused Products** – Products that are infused with marijuana or an extract thereof and are intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, tinctures, and concentrates.
- **Medical Marijuana Facility** – A facility licensed by the State of Missouri including the following:
  - **Medical Marijuana Cultivation Facility** – A facility licensed by the State of Missouri to acquire, cultivate, process, store, transport, and sell marijuana to a Medical Marijuana Dispensary Facility, Medical Marijuana Testing Facility, or to a Medical Marijuana-Infused Products Manufacturing Facility.
  - **Medical Marijuana Dispensary Facility** – A facility licensed by the State of Missouri to acquire, store, sell, transport and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana as provided by the State of Missouri to a Qualifying Patient, a Primary caregiver, another Medical Marijuana Dispensary Facility, a Medical Marijuana Testing Facility, or a Medical Marijuana-Infused Products Manufacturing Facility.
  - **Medical Marijuana-Infused Products Manufacturing Facility** – A facility licensed by the State of Missouri to acquire, store, manufacture, transport, and sell marijuana-infused products to a Medical Marijuana Dispensary Facility, a Medical Marijuana Testing Facility, or to another Medical Marijuana-Infused Products Manufacturing Facility.
  - **Medical Marijuana Testing Facility** – A facility certified by the State of Missouri to acquire, test, certify, and transport marijuana.

## **ZONING DISTRICTS**

The Kirkwood Zoning Code has the following equivalent uses to the four medical marijuana facilities.

### **Cultivation**

- Florist shops with greenhouses require a SUP in B-1.
- Florist shops with greenhouses for retail trade on premises only are permitted in B-2, B-3, B-4, B-5 and I-1.
- Commercial greenhouses (25,000 square foot lot minimum) require a SUP in B-3 and I-1.

We recommend that a cultivation facility would be available with a SUP required in the I-1 zoning district and with a 25,000 square foot lot minimum. It would be prohibited in all other districts due to the higher potential for nuisances from things like operation and odor.

### **Manufacturing**

- Food product manufacturers (except for fish and meat products, sauerkraut, vinegar, yeast, or rendering of fats and oils) are permitted in I-1.
- The zoning code does not allow tobacco products manufacturing.

We recommend that a manufacturing facility would require a SUP in I-1 and would be prohibited in all other districts.

**Testing Facilities** (for product strengths and contaminants)

- Pharmaceutical manufacturers are permitted in I-1.

We recommend that a testing facility would require a SUP in I-1 and would be prohibited in all other districts.

**Dispensary** (Although marijuana is prescribed, it may not be dispensed by a pharmacy without State licensing)

- Pharmacies are permitted in B-1, B-2, B-3, B-4, B-5 and I-1.
- Tobacco stores require a SUP in B-2, B-3, B-4 and I-1, and are permitted in B-5.
- Vapor products stores require a SUP in B-2, B-3, B-4 and I-1, and are permitted in B-5.

We recommend that a dispensary facility would require a SUP in B-3, and I-1 and would be prohibited in all other districts. Staff believes these highway-oriented and industrial districts are the most appropriate within the City and will provide adequate area without being viewed as unduly burdensome. The B-5 District was initially investigated, but due to proximity to private schools and churches, no land currently zoned B-5 is more than 1,000 feet from said uses.

### **RESTRICTIONS**

In an effort to regulate the “time, place, and manner” of said establishments, Staff has identified the following restrictions that should be included in all Districts in which the uses are listed as Special Uses. It would create a new section under the B-3 District, Section A-520.12, and a new section under the I-1 District, Section A-600.10. These restrictions are a combination of what is in the State Law and what other municipalities in the area have adopted.

A medical marijuana facility shall conform to the following minimum standards and restrictions:

- a. Such facility shall be initially located a minimum of 1,000 feet as measured from the boundaries of a legal lot of record which is occupied by or used as a church, place of worship, public or private school, day-care center, or public park.
- b. Such facility shall be located 500 feet, as measured from the boundaries of a legal lot of record, from another medical marijuana facility. This section shall not prohibit one facility from holding multiple licenses.
- c. The hours of operation of a Medical Marijuana Dispensary Facility shall be between 8:00 a.m. and 9:00 p.m. daily.
- d. Operations of cultivation, dispensing, manufacturing and testing facilities must be conducted entirely within an enclosed building, and consumption or smoking of marijuana products shall be prohibited on the premises.

### **OTHER CONSIDERATIONS**

A restriction requiring a minimum distance from residential property was evaluated by Staff, but ultimately it was decided that such requirement would be too burdensome due to the proximity of residentially zoned land to all commercial and industrial areas within Kirkwood. Staff also evaluated a buffer measurement of 750 feet and 500 feet (see Exhibit B). After evaluation, Staff believes the proposed buffer of 1,000 feet provides appropriate opportunity for Medical Marijuana Facilities.

## Exhibit A

### Review of Other Municipal Ordinances

#### Webster Groves

##### Definitions added to Zoning Code:

- Marijuana-Infused Products
- Medical Marijuana Cultivation Facility
- Medical Marijuana Dispensary Facility
- Medical Marijuana-Infused Products Manufacturing Facility
- Medical Marijuana Testing Facility

##### Restrictions:

- All such medical marijuana facilities are grouped with small loan businesses, pawnshops, and tattoo or body piercing establishments (none of which Kirkwood allows ) for location limitations on the business or use:
  - 1,000 feet from a parcel of land which is owned by a religious institution, educational institution, or the City, and which is occupied by or used as a church, school, place of worship, educational facility or public park
  - 500 feet from a Child Day Care Center
  - 150 feet of any other such establishment
- Hours of operation between 8:00 a.m. and 9:00 p.m. daily

##### Zoning districts allowed:

- Dispensing facilities are permitted in only one commercial district whereas cultivation, manufacturing and testing facilities are limited to the industrial district.

##### Nuisance regulations:

- Webster Groves also has performance standards for commercial and industrial districts which deal with vibration; noise; odor; smoke; toxic gases; dirt, dust, fly ash and other forms of particulate matter; radiation; and heat and glare. With regard to odor in particular, "Every use shall be so operated that no offensive or objectionable odor is emitted in accordance with the requirements of the Air Pollution Code, Chapter 612 of the St. Louis County Revised Code."

#### Warrensburg

##### Definitions added to Zoning Code:

- Marijuana
- Marijuana-Infused Products
- Medical Marijuana Cultivation Facility
- Medical Marijuana Dispensary Facility
- Medical Marijuana-Infused Products Manufacturing Facility
- Medical Marijuana Testing Facility

##### Restrictions (location only as measured in straight line from main public entrance or from lot lines of property):

- 1,000 feet from any school, child day-care center, church, or public library
- 100 feet from a residentially zoned district or a public park
- 500 feet from any adult entertainment business

- 250 feet from any establishment that sells liquor by the drink
- 500 feet from another marijuana use, except when marijuana sales represent less than 5% of the dollar volume of business in a state or federally licensed pharmacy

Zoning districts allowed:

- Dispensing facilities are permitted only when entirely within an enclosed building in four commercial districts (excepting neighborhood commercial), and in both the light and heavy industrial districts.
- Cultivation is permitted in the two industrial districts entirely within an enclosed building with outside cultivation as a conditional use therein.
- Manufacturing and testing facilities must be conducted entirely within an enclosed building and may also contain a dispensary.
  - If the majority of the business by dollar value is walk-in trade, then manufacturing and testing facilities may be located in the central business, general business, and light industrial districts.
  - If not, then manufacturing and testing facilities may be located in the general business, light industrial, and heavy industrial districts.
- Warrensburg also added parking requirements for each of the facilities.

Nuisance Regulations:

- No marijuana related use or facility shall emit an odor or in any way cause a public nuisance.
- Appropriate ventilation systems to prevent any odor of marijuana or fumes from leaving the premises or other changes to the facilities can be required if a public nuisance violation occurs.

### Crestwood

Definitions added to Zoning Code:

- Marijuana
- Marijuana-Infused Products
- Medical Marijuana Cultivation Facility
- Medical Marijuana Dispensary Facility
- Medical Marijuana-Infused Products Manufacturing Facility
- Medical Marijuana Testing Facility
- Crestwood's ordinance specifically states that terms not expressly defined shall have meaning set forth in Amendment 2.

Restrictions:

- No marijuana facility may operate without a valid license from the Missouri DHSS.
- No marijuana or marijuana-infused products shall be acquired, certified, cultivated, delivered, manufactured, processed, sold, stored, tested, or transported within the City except by persons or entities licensed by DHSS. Such licenses shall be prominently displayed in a highly visible location.
- No person shall possess or consume marijuana or marijuana-infused products except qualifying patients and such consumption shall not be in a public place unless expressly permitted by law.
- All medical marijuana facilities shall be operated in accordance with Amendment 2, regulations promulgated by DHSS, applicable state statutes, and this division.

- All medical marijuana facilities shall obtain a city business license and annually pay all applicable taxes and fees.
- Any person who violates the code is guilty of an offense and shall be assessed a penalty, and the city shall have the authority to maintain civil suits to enforce provisions of this division.
- No medical marijuana facility shall be located within 500 feet of any elementary or secondary school, child-day care center, or church.
- No medical marijuana facility shall be located within 1000 feet of any other medical marijuana facility.
- No medical marijuana facility shall be located on the same premises as a physician's office.
- Hours of operation for sales and distribution of medical marijuana products are 8:00 a.m. to 9:00 p.m. daily. Dispensaries shall be secured and closed to the public after the hours listed and no persons not employed by the dispensary shall be present at any time when it is closed to the public.
- No outdoor storage.
- The Board of Alderman may impose additional restrictions on the time, place, and manner of operation of facilities in the conditional use permit process for the protection of public health, safety, and welfare.
- A separate conditional use permit shall be required for each premises used for a medical marijuana cultivation, dispensary, manufacturing, or testing facility. No two facilities may be located within the same premises, except that a dispensary facility and cultivation facility may be located on the same premises if both businesses are owned by the same entity.
- The conditional use permit is not transferable or assignable to a different premises, a different type of business, or a different owner or licensee, without permission of the Board of Alderman.
- Sign shall comply with sign code with the sign on the same premises as the facility.

Zoning districts allowed:

- Cultivation, dispensary, manufacturing and testing are allowed as a conditional use in the local business commercial district (the only unplanned commercial district), planned development commercial district, the light industrial district, and the planned development industrial district (reserved, but not currently being used).

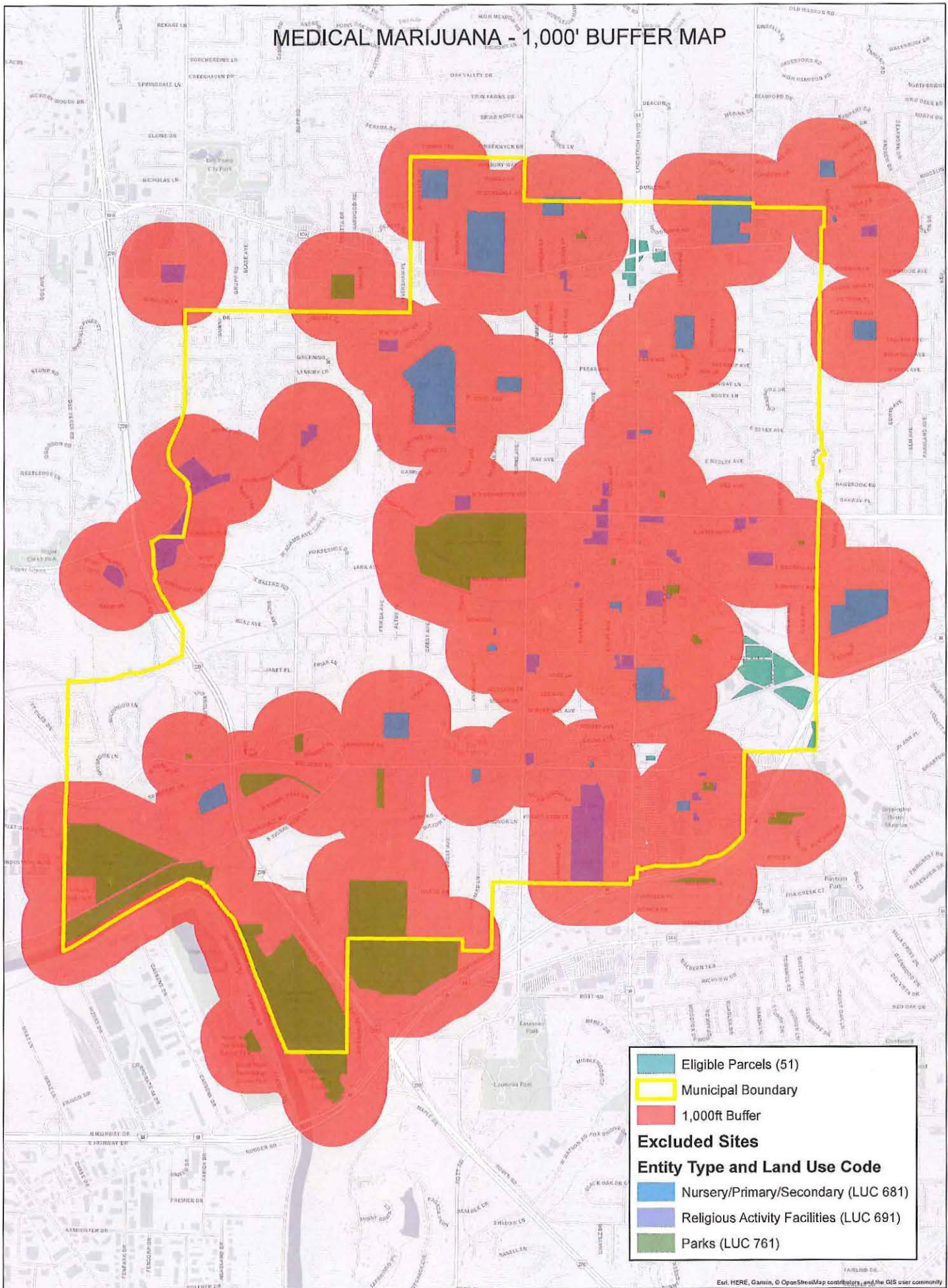
Nuisance Regulations:

- None added by this ordinance.

**Exhibit B – Buffer Maps\*** (1,000 feet; 750 feet; 500 feet)

\*Maps are for preliminary reference. Individual properties will need further analysis to verify lot of record boundaries.

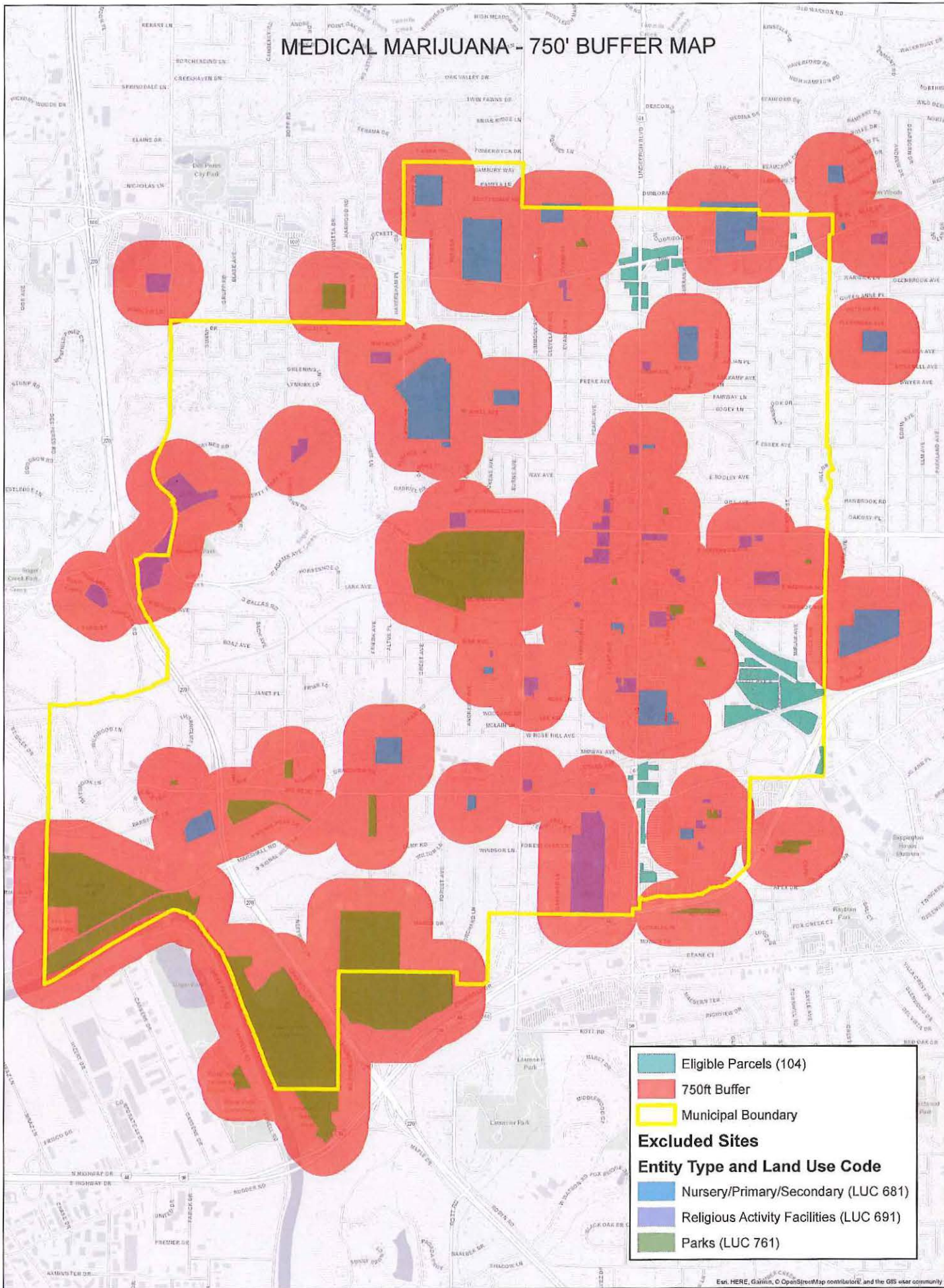
# MEDICAL MARIJUANA - 1,000' BUFFER MAP



	Eligible Parcels (51)
	Municipal Boundary
	1,000ft Buffer
<b>Excluded Sites</b>	
<b>Entity Type and Land Use Code</b>	
	Nursery/Primary/Secondary (LUC 681)
	Religious Activity Facilities (LUC 691)
	Parks (LUC 761)

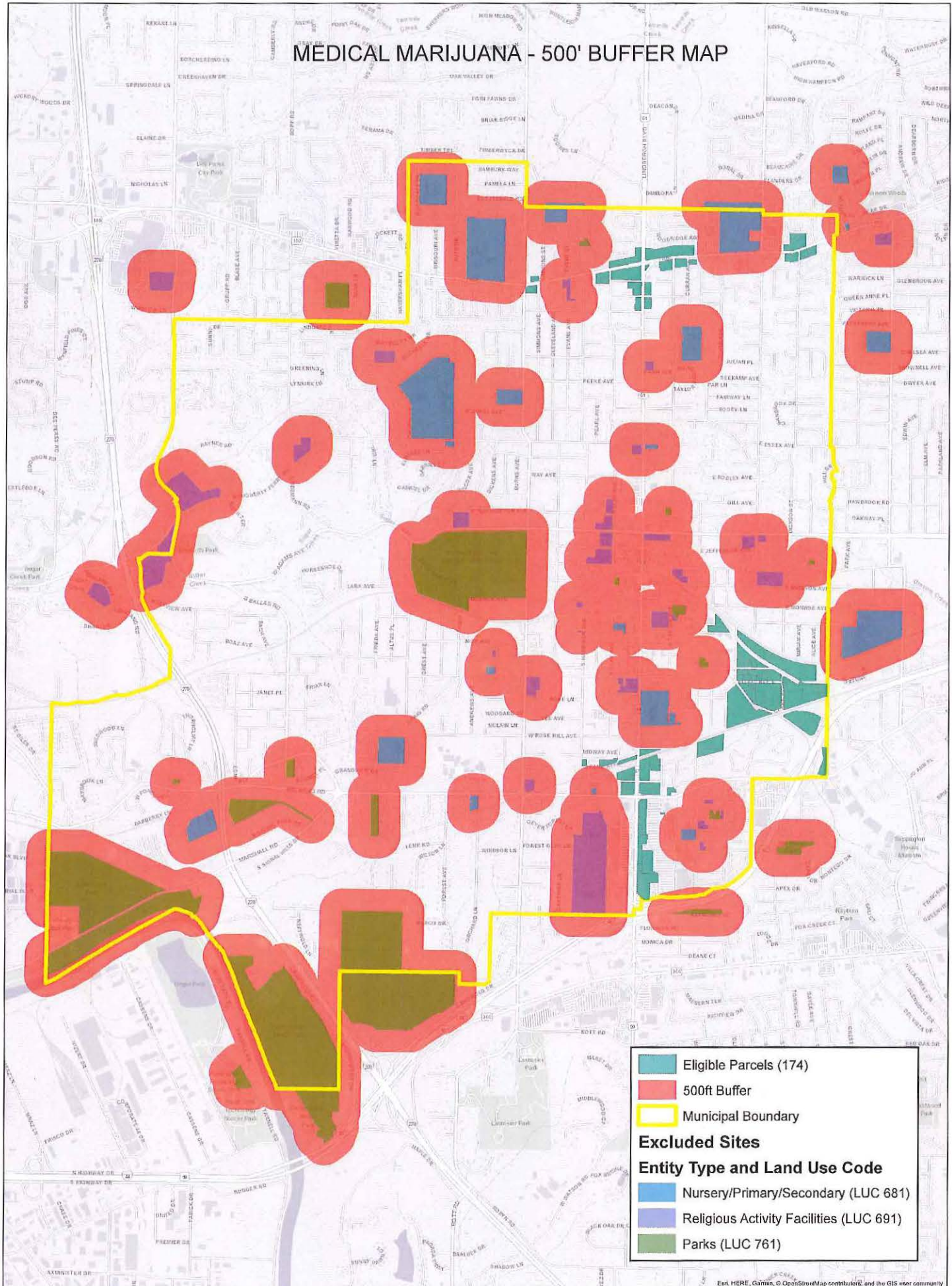


# MEDICAL MARIJUANA - 750' BUFFER MAP



	Eligible Parcels (104)
	750ft Buffer
	Municipal Boundary
<b>Excluded Sites</b>	
<b>Entity Type and Land Use Code</b>	
	Nursery/Primary/Secondary (LUC 681)
	Religious Activity Facilities (LUC 691)
	Parks (LUC 761)

# MEDICAL MARIJUANA - 500' BUFFER MAP



BILL

ORDINANCE

AN ORDINANCE AMENDING THE PROVISIONS OF THE MUNICIPAL CODE, APPENDIX A – ZONING, REGARDING THE REGULATION OF MEDICAL MARIJUANA.

WHEREAS, Amendment 2 to the Missouri Constitution, which allows state-licensed physicians to recommend marijuana for medical purposes to patients with serious illnesses and medical conditions while also granting the authority to local municipalities to regulate the time, place, and manner of said uses without prohibiting said uses expressly or otherwise, was approved by voters on November 6, 2018; and

WHEREAS, on the 1<sup>st</sup> day of May, 2019, Staff made an introduction presentation to the Planning and Zoning Commission (PZ-1-20); and

WHEREAS, on the 15<sup>th</sup> day of May, 2019, the Planning and Zoning Commission discussed and recommended approval of amendments to the Zoning Code related to Medical Marijuana consistent with the recommendation included in the Staff report dated April 29, 2019 as amended; and

WHEREAS, on the 6<sup>th</sup> day of June, 2019, the City Council did hold a public hearing with respect to such amendments to the Zoning 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, Appendix A – Zoning, is hereby amended by inserting the following defined terms in Section A-140.1:

Marijuana or Marihuana – Cannabis indica, Cannabis sativa, and Cannabis ruderalis, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the plant and marijuana-infused products. “Marijuana” or “Marihuana” do not include industrial hemp containing a crop-wide average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent on a dry weight basis, or commodities or products manufactured from industrial hemp.

Marijuana-Infused Products – Products that are infused with marijuana or an extract thereof and are intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, tinctures, and concentrates.

Medical Marijuana Facility – A facility licensed by the State of Missouri including the following:

- (a) Medical Marijuana Cultivation Facility – A facility licensed by the State of Missouri to acquire, cultivate, process, store, transport, and sell marijuana to a Medical Marijuana Dispensary Facility, Medical Marijuana Testing Facility, or to a Medical Marijuana-Infused Products Manufacturing Facility.
- (b) Medical Marijuana Dispensary Facility – A facility licensed by the State of Missouri to acquire, store, sell, transport and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana as provided by the State of Missouri to a Qualifying Patient, a Primary caregiver, another Medical Marijuana Dispensary Facility, a Medical Marijuana Testing Facility, or a Medical Marijuana-Infused Products Manufacturing Facility.
- (c) Medical Marijuana-Infused Products Manufacturing Facility – A facility licensed by the State of Missouri to acquire, store, manufacture, transport, and sell marijuana-infused products to a Medical Marijuana Dispensary Facility, a Medical Marijuana Testing Facility, or to another Medical Marijuana-Infused Products Manufacturing Facility.
- (d) Medical Marijuana Testing Facility – A facility certified by the State of Missouri to acquire, test, certify, and transport marijuana.

SECTION 2. That the City of Kirkwood Municipal Code of Ordinances, Appendix A – Zoning, is hereby amended by inserting the following use category in Section A-520.3, Special Uses and renumbering subsequent use categories as necessary.

520.3 (43) Medical Marijuana Dispensary Facility subject to regulations of Section A-520.12

SECTION 3. That the City of Kirkwood Municipal Code of Ordinances, Appendix A – Zoning, is hereby amended by inserting a new section, A-520.12 as follows:

520.12 Medical Marijuana Facility Regulations. All Medical Marijuana Facilities as defined in Section A-140, whether considered permitted or special uses, shall be subject to the following regulations:

- (1) Such facility shall be initially located a minimum of 1,000 feet from a church, place of worship, public or private school, day-care center, or public park. Said distance shall be measured according to the published regulations issued by the State of Missouri.
- (2) Such facility shall be located 500 feet from another medical marijuana facility of the same type. Said distance shall be measured according to the published regulations issued by the State of Missouri. This section shall not prohibit one facility from holding multiple licenses.
- (3) The hours of operation of a Medical Marijuana Dispensary Facility shall be between 8:00 a.m. and 9:00 p.m. daily.

- (4) Operations of cultivation, dispensing, manufacturing and testing facilities must be conducted entirely within an enclosed building, and consumption or smoking of marijuana products shall be prohibited on the premises.

SECTION 4. That the City of Kirkwood Municipal Code of Ordinances, Appendix A – Zoning, is hereby amended by inserting the following use categories in Section A-600.3, Special Uses and renumbering subsequent use categories as necessary.

- 600.3 (27) Medical Marijuana Cultivation Facility subject to regulations of Section A-600.11
- (28) Medical Marijuana Dispensary Facility subject to regulations of Section A-600.11
- (28) Medical Marijuana-Infused Products Manufacturing Facility subject to regulations of Section A-600.11
- (28) Medical Marijuana Testing Facility subject to regulations of Section A-600.11

SECTION 5. That the City of Kirkwood Municipal Code of Ordinances, Appendix A – Zoning, is hereby amended by inserting a new section, A-600.11 as follows:

600.11 Medical Marijuana Facility Regulations. All Medical Marijuana Facilities as defined in Section A-140 shall be subject to the following regulations:

- (3) Such facility shall be initially located a minimum of 1,000 feet from a church, place of worship, public or private school, day-care center, or public park. Said distance shall be measured according to the published regulations issued by the State of Missouri.
- (4) Such facility shall be located 500 feet from another medical marijuana facility of the same type. Said distance shall be measured according to the published regulations issued by the State of Missouri. This section shall not prohibit one facility from holding multiple licenses.
- (3) The hours of operation of a Medical Marijuana Dispensary Facility shall be between 8:00 a.m. and 9:00 p.m. daily.
- (4) Operations of cultivation, dispensing, manufacturing and testing facilities must be conducted entirely within an enclosed building, and consumption or smoking of marijuana products shall be prohibited on the premises.

SECTION 6. This ordinance shall be in full force and effect after its passage and approval, as provided by law.

PASSED AND APPROVED THIS \_\_\_\_ day of \_\_\_\_\_, 2019.

---

Mayor, City of Kirkwood

ATTEST:

---

City Clerk

Public Hearing:

1<sup>ST</sup> Reading:

2<sup>nd</sup> Reading:

# Legislation Request

## Ordinance

Place On The Agenda Of: 6/6/2019

### Step #1:

Strategic Plan NO Goal # & Title

### Background To Issue:

In response to Amendment 2 of the Missouri Constitution, Staff has drafted proposed regulations for the establishment of business related to the Medical Marijuana industry. Additional information on the topic and recommendations can be found in the attached memo dated April 29, 2019.

These recommendations are specific to the zoning-related topics of Medical Marijuana. The City Attorney and City Staff will provide separate recommendations for other departments (Police, Human Resources) that would be affected by the enactment of Amendment 2.

### Recommendations and Action Requested:

The Planning & Zoning Commission recommended approval of Staff's recommendations by a vote of 5-2 at their meeting on May 15, 2019.

### Alternatives Available:

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: 5/22/2019

Authenticated: raichejd

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



2019-04-29 PZ-01-20 Medical  
Marijuana Staff Memo.pdf  
Adobe Acrobat Document  
8.77 MB



2019-06-06 PZ-1-20  
Ordinance.doc  
Microsoft Word 97 - 2003  
Document  
40.5 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:



Date:

5-31-19



# MEMORANDUM



WHERE COMMUNITY AND SPIRIT MEET™

**TO:** PLANNING & ZONING COMMISSION  
**FROM:** JONATHAN D. RAICHE, CITY PLANNER  
AMY LOWRY, ASSISTANT CITY PLANNER  
**SUBJECT:** ZONING CODE CHANGES FOR IMPLEMENTATION OF LEGALIZED MEDICAL MARIJUANA, AMENDMENT 2  
**DATE:** APRIL 29, 2019  
**CC:** BILL BENSING, PUBLIC SERVICES DIRECTOR

---

## INTRODUCTION

Amendment 2 to the Missouri Constitution was approved by voters on November 6, 2018 and allows “state-licensed physicians to recommend marijuana for medical purposes to patients with serious illnesses and medical conditions.” The Missouri Department of Health and Senior Services (DHSS) will grant licenses for the cultivation, manufacture, dispensing, sale, testing, tracking, and transportation of marijuana for medical use. The Amendment allows businesses to operate in the following areas of cultivation and dispensation:

- Cultivation/Agriculture
- Manufacturing/Extraction
- Dispensing/Patient Care
- Testing/Labs

Cities may regulate the “time, place, and manner” of the operation of medical marijuana facilities as long as the regulations are not unduly burdensome on the operation of the medical marijuana facilities. Amendment 2 also includes a requirement that a medical marijuana facility may not be initially located within 1000 feet of any then-existing elementary or secondary school, child daycare center, or church; however, this spacing requirement may be decreased if a city chooses. A city may require a business license, but not a special license. After reviewing Amendment 2 and ordinances from other Missouri cities (see attached Exhibit A), Staff recommends the following changes to the Zoning Code.

## DEFINITIONS

The terms: “Marijuana,” “Marijuana-Infused Products,” “Medical Marijuana Cultivation Facility,” “Medical Marijuana Dispensary Facility,” “Medical Marijuana- Infused Products Manufacturing Facility,” and “Medical Marijuana Testing Facility” are defined in Amendment 2 and should be added in alphabetical order to the definitions section of the Zoning Code as follows (Section A 140.1):

- **Marijuana or Marihuana** – *Cannabis indica*, *Cannabis sativa*, and *Cannabis ruderalis*, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the plant and marijuana-infused products. “Marijuana” or “Marihuana” do not include industrial hemp containing a crop-wide average tetrahydrocannabinol concentration that does not exceed

three-tenths of one percent on a dry weight basis, or commodities or products manufactured from industrial hemp.

- **Marijuana-Infused Products** – Products that are infused with marijuana or an extract thereof and are intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, tinctures, and concentrates.
- **Medical Marijuana Facility** – A facility licensed by the State of Missouri including the following:
  - **Medical Marijuana Cultivation Facility** – A facility licensed by the State of Missouri to acquire, cultivate, process, store, transport, and sell marijuana to a Medical Marijuana Dispensary Facility, Medical Marijuana Testing Facility, or to a Medical Marijuana-Infused Products Manufacturing Facility.
  - **Medical Marijuana Dispensary Facility** – A facility licensed by the State of Missouri to acquire, store, sell, transport and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana as provided by the State of Missouri to a Qualifying Patient, a Primary caregiver, another Medical Marijuana Dispensary Facility, a Medical Marijuana Testing Facility, or a Medical Marijuana-Infused Products Manufacturing Facility.
  - **Medical Marijuana-Infused Products Manufacturing Facility** – A facility licensed by the State of Missouri to acquire, store, manufacture, transport, and sell marijuana-infused products to a Medical Marijuana Dispensary Facility, a Medical Marijuana Testing Facility, or to another Medical Marijuana-Infused Products Manufacturing Facility.
  - **Medical Marijuana Testing Facility** – A facility certified by the State of Missouri to acquire, test, certify, and transport marijuana.

### **ZONING DISTRICTS**

The Kirkwood Zoning Code has the following equivalent uses to the four medical marijuana facilities.

#### **Cultivation**

- Florist shops with greenhouses require a SUP in B-1.
- Florist shops with greenhouses for retail trade on premises only are permitted in B-2, B-3, B-4, B-5 and I-1.
- Commercial greenhouses (25,000 square foot lot minimum) require a SUP in B-3 and I-1.

We recommend that a cultivation facility would be available with a SUP required in the I-1 zoning district and with a 25,000 square foot lot minimum. It would be prohibited in all other districts due to the higher potential for nuisances from things like operation and odor.

#### **Manufacturing**

- Food product manufacturers (except for fish and meat products, sauerkraut, vinegar, yeast, or rendering of fats and oils) are permitted in I-1.
- The zoning code does not allow tobacco products manufacturing.

We recommend that a manufacturing facility would require a SUP in I-1 and would be prohibited in all other districts.

**Testing Facilities** (for product strengths and contaminants)

- Pharmaceutical manufacturers are permitted in I-1.

We recommend that a testing facility would require a SUP in I-1 and would be prohibited in all other districts.

**Dispensary** (Although marijuana is prescribed, it may not be dispensed by a pharmacy without State licensing)

- Pharmacies are permitted in B-1, B-2, B-3, B-4, B-5 and I-1.
- Tobacco stores require a SUP in B-2, B-3, B-4 and I-1, and are permitted in B-5.
- Vapor products stores require a SUP in B-2, B-3, B-4 and I-1, and are permitted in B-5.

We recommend that a dispensary facility would require a SUP in B-3, and I-1 and would be prohibited in all other districts. Staff believes these highway-oriented and industrial districts are the most appropriate within the City and will provide adequate area without being viewed as unduly burdensome. The B-5 District was initially investigated, but due to proximity to private schools and churches, no land currently zoned B-5 is more than 1,000 feet from said uses.

### **RESTRICTIONS**

In an effort to regulate the “time, place, and manner” of said establishments, Staff has identified the following restrictions that should be included in all Districts in which the uses are listed as Special Uses. It would create a new section under the B-3 District, Section A-520.12, and a new section under the I-1 District, Section A-600.10. These restrictions are a combination of what is in the State Law and what other municipalities in the area have adopted.

A medical marijuana facility shall conform to the following minimum standards and restrictions:

- a. Such facility shall be initially located a minimum of 1,000 feet as measured from the boundaries of a legal lot of record which is occupied by or used as a church, place of worship, public or private school, day-care center, or public park.
- b. Such facility shall be located 500 feet, as measured from the boundaries of a legal lot of record, from another medical marijuana facility. This section shall not prohibit one facility from holding multiple licenses.
- c. The hours of operation of a Medical Marijuana Dispensary Facility shall be between 8:00 a.m. and 9:00 p.m. daily.
- d. Operations of cultivation, dispensing, manufacturing and testing facilities must be conducted entirely within an enclosed building, and consumption or smoking of marijuana products shall be prohibited on the premises.

### **OTHER CONSIDERATIONS**

A restriction requiring a minimum distance from residential property was evaluated by Staff, but ultimately it was decided that such requirement would be too burdensome due to the proximity of residentially zoned land to all commercial and industrial areas within Kirkwood. Staff also evaluated a buffer measurement of 750 feet and 500 feet (see Exhibit B). After evaluation, Staff believes the proposed buffer of 1,000 feet provides appropriate opportunity for Medical Marijuana Facilities.

## **Exhibit A**

### Review of Other Municipal Ordinances

#### **Webster Groves**

##### Definitions added to Zoning Code:

- Marijuana-Infused Products
- Medical Marijuana Cultivation Facility
- Medical Marijuana Dispensary Facility
- Medical Marijuana-Infused Products Manufacturing Facility
- Medical Marijuana Testing Facility

##### Restrictions:

- All such medical marijuana facilities are grouped with small loan businesses, pawnshops, and tattoo or body piercing establishments (none of which Kirkwood allows ) for location limitations on the business or use:
  - 1,000 feet from a parcel of land which is owned by a religious institution, educational institution, or the City, and which is occupied by or used as a church, school, place of worship, educational facility or public park
  - 500 feet from a Child Day Care Center
  - 150 feet of any other such establishment
- Hours of operation between 8:00 a.m. and 9:00 p.m. daily

##### Zoning districts allowed:

- Dispensing facilities are permitted in only one commercial district whereas cultivation, manufacturing and testing facilities are limited to the industrial district.

##### Nuisance regulations:

- Webster Groves also has performance standards for commercial and industrial districts which deal with vibration; noise; odor; smoke; toxic gases; dirt, dust, fly ash and other forms of particulate matter; radiation; and heat and glare. With regard to odor in particular, "Every use shall be so operated that no offensive or objectionable odor is emitted in accordance with the requirements of the Air Pollution Code, Chapter 612 of the St. Louis County Revised Code."

#### **Warrensburg**

##### Definitions added to Zoning Code:

- Marijuana
- Marijuana-Infused Products
- Medical Marijuana Cultivation Facility
- Medical Marijuana Dispensary Facility
- Medical Marijuana-Infused Products Manufacturing Facility
- Medical Marijuana Testing Facility

##### Restrictions (location only as measured in straight line from main public entrance or from lot lines of property):

- 1,000 feet from any school, child day-care center, church, or public library
- 100 feet from a residentially zoned district or a public park
- 500 feet from any adult entertainment business

- 250 feet from any establishment that sells liquor by the drink
- 500 feet from another marijuana use, except when marijuana sales represent less than 5% of the dollar volume of business in a state or federally licensed pharmacy

Zoning districts allowed:

- Dispensing facilities are permitted only when entirely within an enclosed building in four commercial districts (excepting neighborhood commercial), and in both the light and heavy industrial districts.
- Cultivation is permitted in the two industrial districts entirely within an enclosed building with outside cultivation as a conditional use therein.
- Manufacturing and testing facilities must be conducted entirely within an enclosed building and may also contain a dispensary.
  - If the majority of the business by dollar value is walk-in trade, then manufacturing and testing facilities may be located in the central business, general business, and light industrial districts.
  - If not, then manufacturing and testing facilities may be located in the general business, light industrial, and heavy industrial districts.
- Warrensburg also added parking requirements for each of the facilities.

Nuisance Regulations:

- No marijuana related use or facility shall emit an odor or in any way cause a public nuisance.
- Appropriate ventilation systems to prevent any odor of marijuana or fumes from leaving the premises or other changes to the facilities can be required if a public nuisance violation occurs.

**Crestwood**

Definitions added to Zoning Code:

- Marijuana
- Marijuana-Infused Products
- Medical Marijuana Cultivation Facility
- Medical Marijuana Dispensary Facility
- Medical Marijuana-Infused Products Manufacturing Facility
- Medical Marijuana Testing Facility
- Crestwood's ordinance specifically states that terms not expressly defined shall have meaning set forth in Amendment 2.

Restrictions:

- No marijuana facility may operate without a valid license from the Missouri DHSS.
- No marijuana or marijuana-infused products shall be acquired, certified, cultivated, delivered, manufactured, processed, sold, stored, tested, or transported within the City except by persons or entities licensed by DHSS. Such licenses shall be prominently displayed in a highly visible location.
- No person shall possess or consume marijuana or marijuana-infused products except qualifying patients and such consumption shall not be in a public place unless expressly permitted by law.
- All medical marijuana facilities shall be operated in accordance with Amendment 2, regulations promulgated by DHSS, applicable state statutes, and this division.

- All medical marijuana facilities shall obtain a city business license and annually pay all applicable taxes and fees.
- Any person who violates the code is guilty of an offense and shall be assessed a penalty, and the city shall have the authority to maintain civil suits to enforce provisions of this division.
- No medical marijuana facility shall be located within 500 feet of any elementary or secondary school, child-day care center, or church.
- No medical marijuana facility shall be located within 1000 feet of any other medical marijuana facility.
- No medical marijuana facility shall be located on the same premises as a physician's office.
- Hours of operation for sales and distribution of medical marijuana products are 8:00 a.m. to 9:00 p.m. daily. Dispensaries shall be secured and closed to the public after the hours listed and no persons not employed by the dispensary shall be present at any time when it is closed to the public.
- No outdoor storage.
- The Board of Alderman may impose additional restrictions on the time, place, and manner of operation of facilities in the conditional use permit process for the protection of public health, safety, and welfare.
- A separate conditional use permit shall be required for each premises used for a medical marijuana cultivation, dispensary, manufacturing, or testing facility. No two facilities may be located within the same premises, except that a dispensary facility and cultivation facility may be located on the same premises if both businesses are owned by the same entity.
- The conditional use permit is not transferable or assignable to a different premises, a different type of business, or a different owner or licensee, without permission of the Board of Alderman.
- Sign shall comply with sign code with the sign on the same premises as the facility.

Zoning districts allowed:

- Cultivation, dispensary, manufacturing and testing are allowed as a conditional use in the local business commercial district (the only unplanned commercial district), planned development commercial district, the light industrial district, and the planned development industrial district (reserved, but not currently being used).

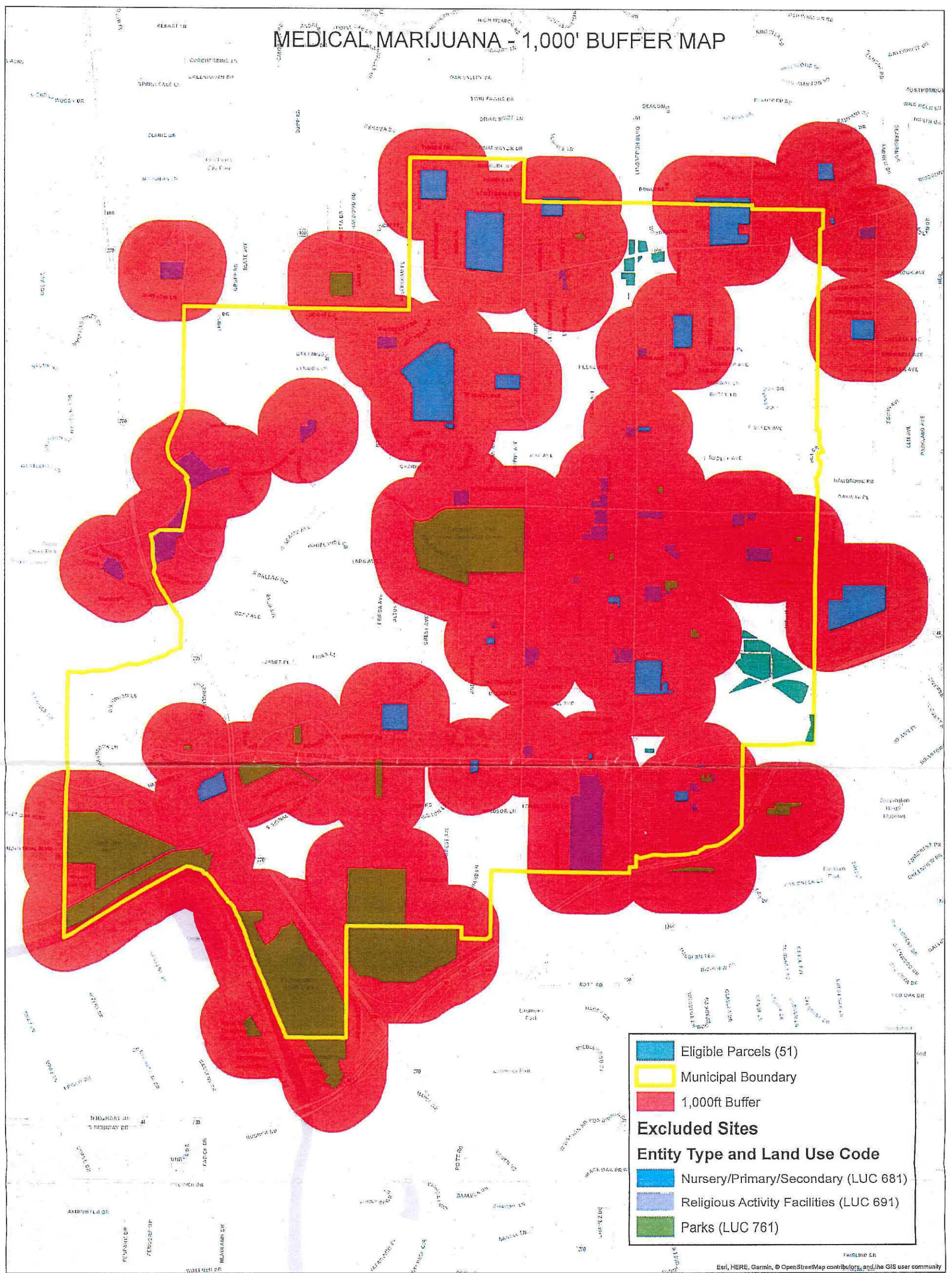
Nuisance Regulations:

- None added by this ordinance.

**Exhibit B – Buffer Maps\*** (1,000 feet; 750 feet; 500 feet)

\*Maps are for preliminary reference. Individual properties will need further analysis to verify lot of record boundaries.

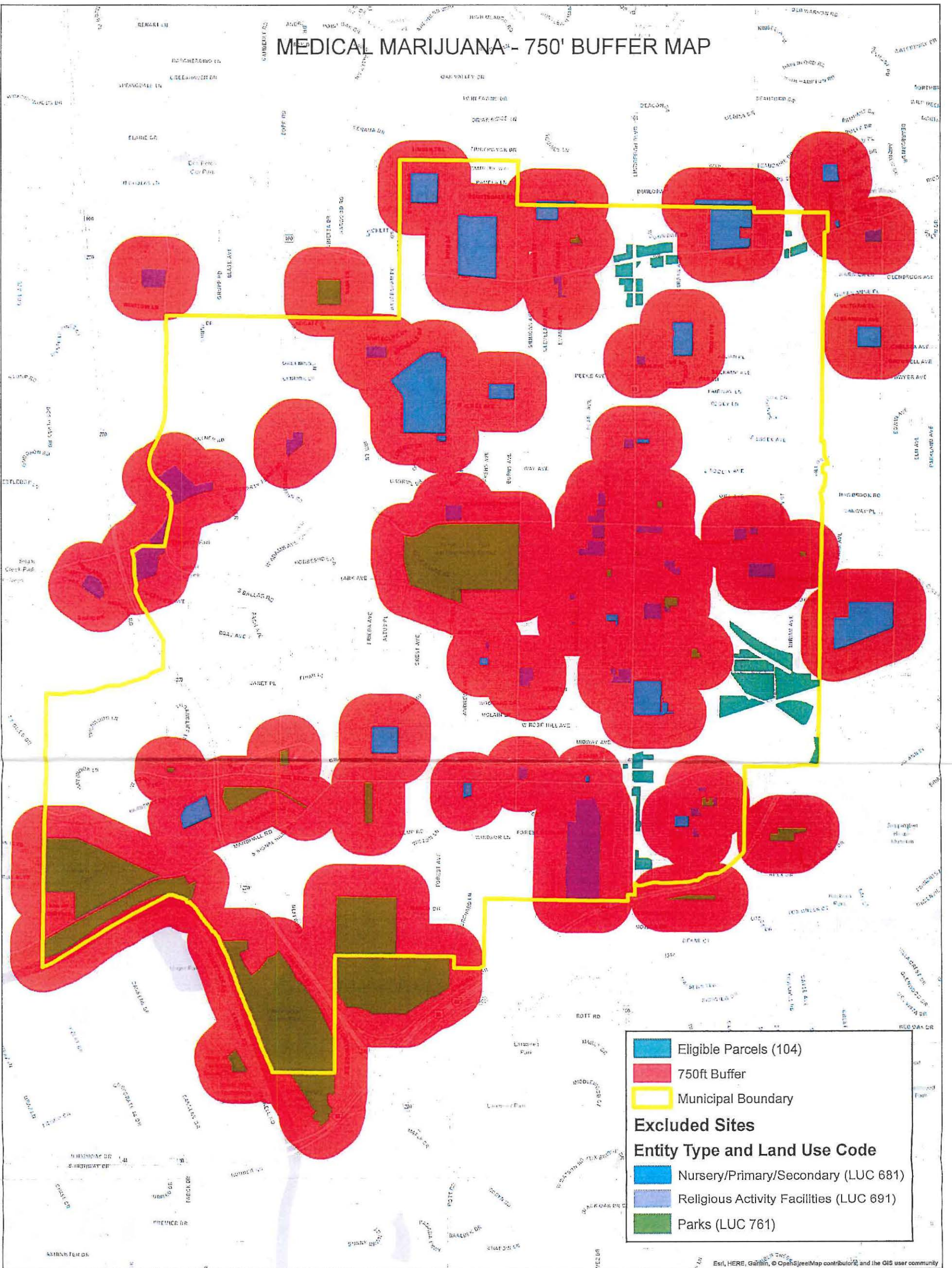
# MEDICAL MARIJUANA - 1,000' BUFFER MAP



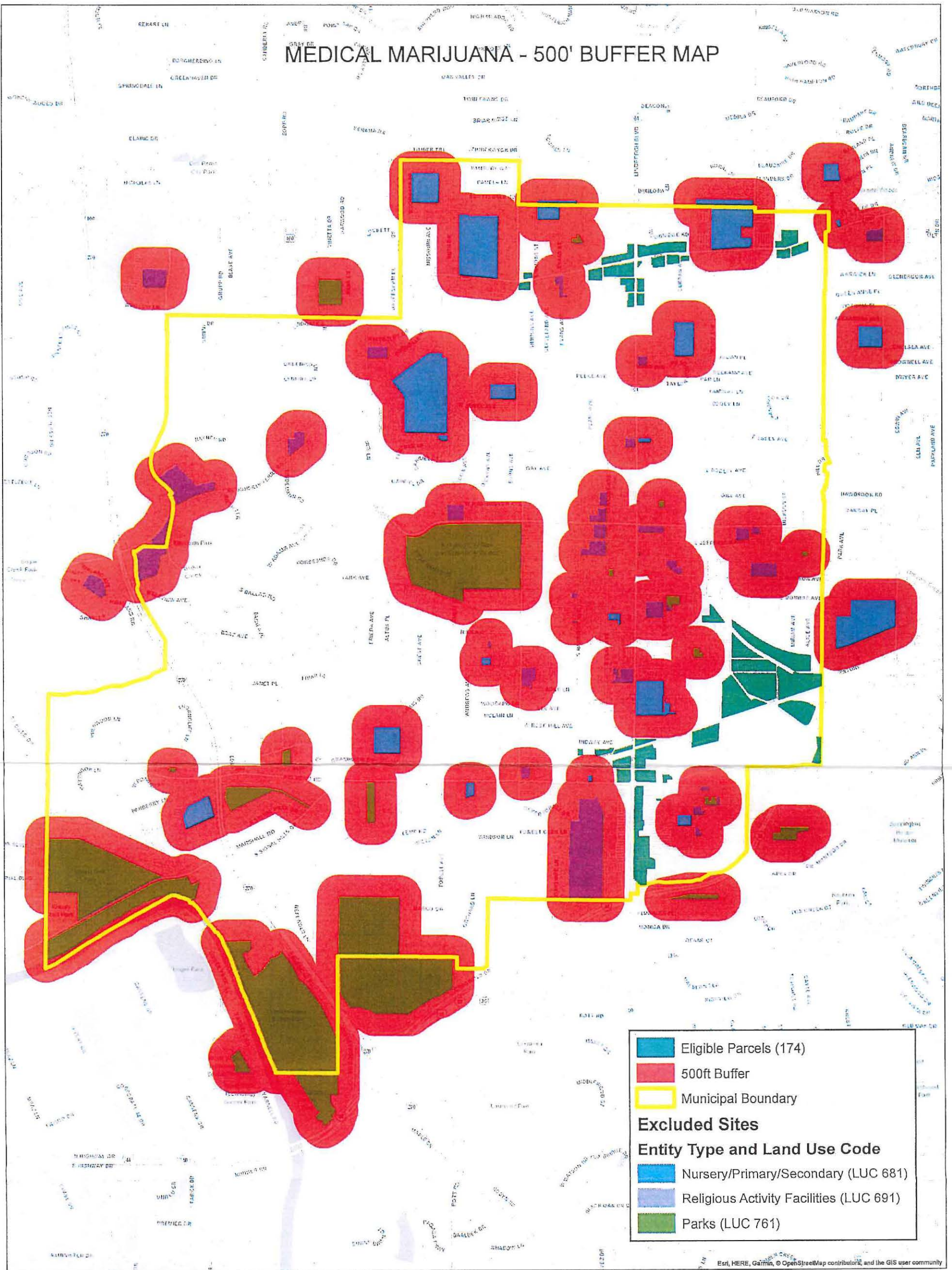
	Eligible Parcels (51)
	Municipal Boundary
	1,000ft Buffer
<b>Excluded Sites</b>	
<b>Entity Type and Land Use Code</b>	
	Nursery/Primary/Secondary (LUC 681)
	Religious Activity Facilities (LUC 691)
	Parks (LUC 761)



# MEDICAL MARIJUANA - 750' BUFFER MAP



# MEDICAL MARIJUANA - 500' BUFFER MAP



# 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 for a Pet Day Care and Commercial Kennel with Outdoor Use proposed for 902 S. Kirkwood Road (Camp Bow Wow)**

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 Jonathan Raiche**

Mayor: Georgia, 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

STATE OF MISSOURI  
COUNTY OF ST. LOUIS

} S.S.

Page 1 of 1

Before the undersigned Notary Public personally appeared **Chanel Jones** on behalf of **THE COUNTIAN, ST. LOUIS COUNTY** who, being duly sworn, attests that said newspaper is qualified under the provisions of Missouri law governing public notices to publish, and did so publish, the notice annexed hereto, starting with the **May 21, 2019** edition and ending with the **May 21, 2019** edition, for a total of 1 publications:

05/21/2019

## 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, June 6, 2019 to consider the following:

1. *Amendments to the Zoning Code regarding regulation of Medical Marijuana related to Amendment 2 of the State Constitution - Citywide*
2. *A request for a Special Use Permit for a Pet Day Care and Commercial Kennel with Outdoor Use proposed for 902 S. Kirkwood Road (Camp Bow Wow)*
3. *A request for a Special Use Permit for a Restaurant at 151 W. Jefferson (Gelato Di Riso)*

Laurie Asche, CMC/MRCC  
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.  
11747084 County May 21, 2019

*Chanel Jones*

Chanel Jones

Subscribed & sworn before me this 21<sup>st</sup> day of May, 2019  
(SEAL)

*Tynisha Robinson*  
Notary Public





## AFFIDAVIT OF PUBLICATION

**City of Kirkwood**

Attn: Laurie Asche  
City Clerk  
139 S. Kirkwood Rd.  
Kirkwood, MO 63122

I, Terry Cassidy, verify that the attached Public Hearing  
Notice was published in the Webster-Kirkwood Times on

May 24, 2019

Terry Cassidy  
Advertising Consultant



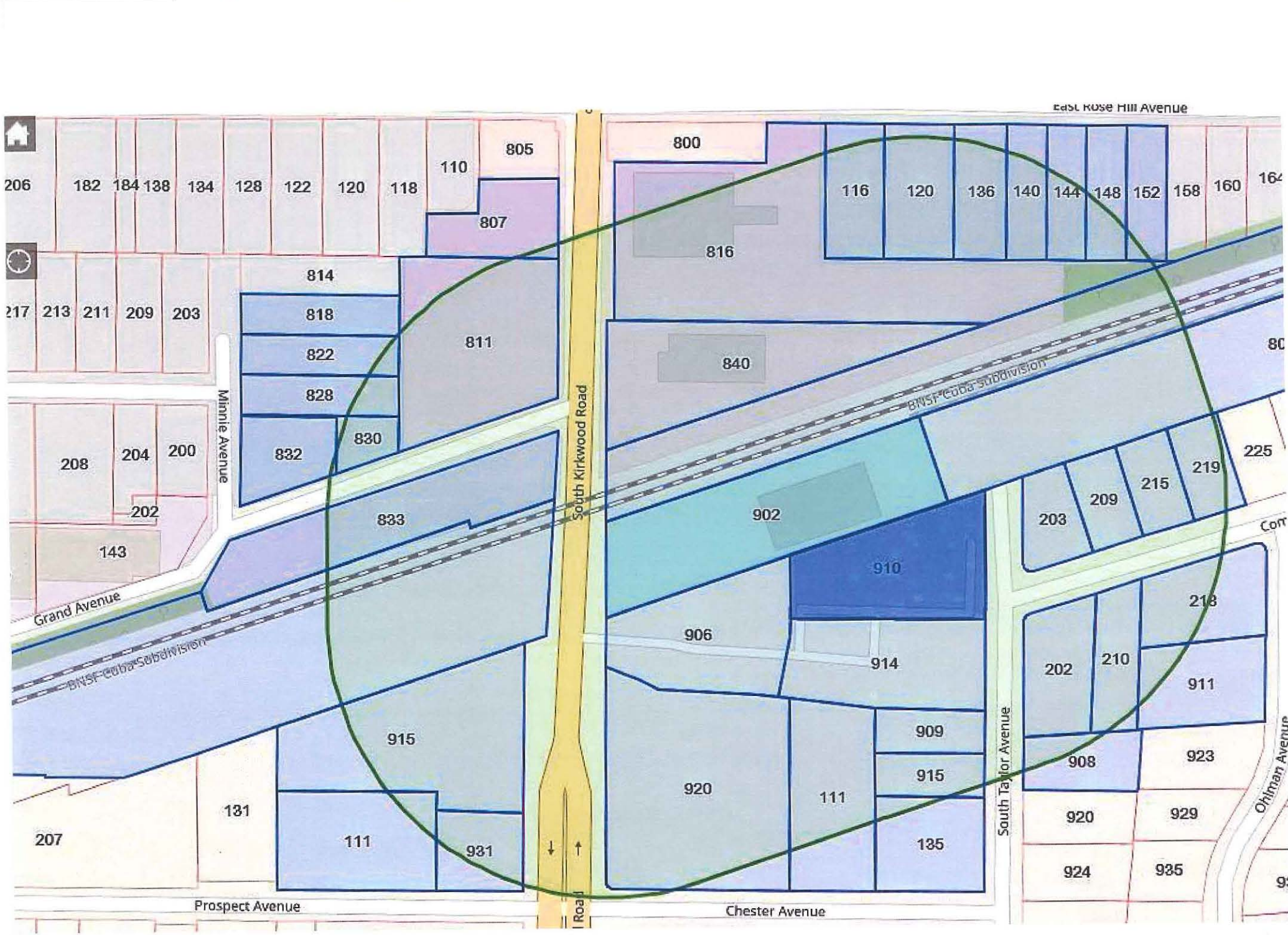
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- 3. A request for a Special Use Permit for a Restaurant at 151 W. Jefferson (Gelato Di Riso)***

Laurie Asche, CMC/MRCC  
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PROPERTY OWNER  
6767 N HANLEY RD  
SAINT LOUIS, MO 63134

PROPERTY OWNER  
680 GREENVIEW DR  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
400 BEL AIR CT  
ALLEN, TX 75013

PROPERTY OWNER  
135 CHESTER AVE  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
646 NORTON AVE  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
832 MINNIE AVE  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
1519 LYNKIRK LN  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
1819 VIRGINIA LN  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
915 S TAYLOR AVE  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
906 S KIRKWOOD RD  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
3771 PORTLAND TRAIL DR  
SUWANEE, GA 30024

PROPERTY OWNER  
P.O. BOX 11676  
SAINT LOUIS, MO 63105

PROPERTY OWNER  
609 S ELLIOTT AVE  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
822 MINNIE AVE  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
2350 MARKET ST  
SAINT LOUIS, MO 63103

PROPERTY OWNER  
203 COMMERCE AVE  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
840 S KIRKWOOD RD  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
509 LAKE AVE  
SAINT LOUIS, MO 63119

PROPERTY OWNER  
215 COMMERCE AVE  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
1253 DOUGHERTY FERRY RD  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
32 CEDARBROOK LN  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
833 S KIRKWOOD RD  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
122 JEFFERSON RD  
SAINT LOUIS, MO 63119

PROPERTY OWNER  
7576 BLACKBERRY AVE  
SAINT LOUIS, MO 63130

PROPERTY OWNER  
902 S KIRKWOOD RD  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
12747 W WATSON RD  
SAINT LOUIS, MO 63127

PROPERTY OWNER  
209 COMMERCE AVE  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
818 MINNIE AVE  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
152 E ROSE HILL AVE  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
910 S KIRKWOOD RD, STE 120  
SAINT LOUIS, MO 63122



PROPERTY OWNER  
148 E ROSE HILL AVE  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
910 S KIRKWOOD RD, STE 130  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
60 FRANK ST  
UNION, MO 63084

PROPERTY OWNER  
902 S KIRKWOOD RD, 140  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
1 FAIRVIEW PL  
FENTON, MO 63026

PROPERTY OWNER  
910 S KIRKWOOD RD, STE 100  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
136 E ROSE HILL AVE  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
120 E ROSE HILL AVE  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
906 S KIRKWOOD RD  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
116 E ROSE HILL AVE  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
575 MARYVILLE CENTRE  
SAINT LOUIS, MO 63141



WHERE COMMUNITY AND SPIRIT MEET

May 16, 2019

Russell B. Hawes  
Chief Administrative Officer

At the May 15, 2019, meeting of the Planning and Zoning Commission, the following action was taken:

1. The Commission unanimously recommended approval of the final plat and development plans for an eight-lot Community Unit Plan known as Emmerson Estates Subdivision at 2017 Lily Avenue and 2040 Boaz Avenue.
2. The Commission unanimously recommended approval of Special Use Permits for a kennel/pet day care/outdoor use and the associated site plan or Camp Bow Wow at 902 South Kirkwood Road.
3. The Commission unanimously recommended approval of a Special Use Permit for a restaurant known as Gelato Di Riso at 151 West Jefferson Avenue.
4. By a vote of 5 to 2, the Commission recommended approval of amendments to the Zoning Code for medical marijuana facilities.

The next meeting will be held on June 19, 2019, at 7 p.m.

Respectfully submitted,

Allen Klippel, Chair  
Planning and Zoning Commission

**CITY OF KIRKWOOD  
PLANNING AND ZONING SUBCOMMITTEE REPORT  
May 15, 2019**

**PETITION NUMBER:** PZ-24-19

**ACTION REQUESTED:** SPECIAL USE PERMITS (PET DAY CARE, KENNEL, OUTDOOR USE)

**PROPERTY OWNER:** ROBERT VATTEROTT PROPERTIES, INC.

**PETITIONER:** SHARON JEFFRIES, CAMP BOW WOW

**PETITIONER'S AGENT:** PETER NEWTON, HILLIKER CORP  
JEFF MUGG, SAINT LOUIS DESIGN ALLIANCE

**PROPERTY LOCATION:** 902 SOUTH KIRKWOOD ROAD

**ZONING:** I-1, LIGHT INDUSTRIAL DISTRICT

**DRAWINGS SUBMITTED:** SITE PLAN AND FLOOR PLAN PREPARED BY SAINT LOUIS DESIGN ALLIANCE ARCHITECTS STAMPED "RECEIVED MAY 9, 2019 CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT"

LIGHTING PLAN STAMPED "RECEIVED MARCH 12, 2019 CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT"

**DESCRIPTION OF PROJECT:**

The petitioner is requesting multiple Special Use Permits to allow the operation of a pet day-care facility with overnight boarding, training, and grooming services in the existing building and property located at 902 South Kirkwood Road. The property was most recently occupied by ABC Supply Company. The property has been historically used for similar uses with outdoor storage as a non-conforming use. The legal non-conforming outdoor storage component has been abandoned for more than 180 days and therefore has lost the legal non-conforming status. The property and building are currently vacant.

The petitioner proposes to renovate the interior of the main existing building and the existing parking lot. The building will be renovated to include a large area with individual boarding facilities, common indoor play areas, office area, grooming areas, and a reception area. In addition to the indoor facilities, the applicant has also proposed multiple outdoor play areas enclosed by an 8' tall vinyl fence.

**ZONING, LAND USE, AND COMPREHENSIVE PLAN:**

The subject property is presently zoned I-1, Light Industrial District and is designated as Transition Mix Use by the EnVision Kirkwood 2035 Comprehensive Plan. The Transition Mix Use Land Use designation includes the provision for Regional Commercial uses. The proposed land use is listed in this district as a Special Use requiring the applicant to apply for a Special Use Permit. Surrounding land uses and zoning include the following:

To the south: A multi-building office park is located to the south and is zoned I-1.

To the north: Commercial/light industrial buildings are located across the BNSF railroad right-of-way and are zoned I-1.

To the east: A combination of commercial/light industrial uses and single-family residential homes are located to the east. These properties are zoned I-1 and R-4.

To the west: Commercial/light industrial buildings are located across Kirkwood Road and are zoned I-1.

***OUTSTANDING DEPARTMENTAL/AGENCY COMMENTS:***

Engineering: 1. Applicant shall provide staking/layout of the entrance location for the City contractor to install as part of the S. Kirkwood Road TAP project.  
2. Construct and grade island at SW property corner to drain towards the existing area inlet east of the proposed island. Area Inlet A will be eliminated from the City's TAP project.

Fire: 1. Provide an emergency access and pet removal plan for after hour incidents. It looks like there are over 100 indoor pet pens and even partial occupancy could quickly overwhelm our ability function, maintain safety for our personnel and safely remove the pets.

***DISCUSSION:***

A Zoning Matters sign was posted on the property on March 29, 2019, and notice of the Planning & Zoning Commission was properly posted. This request was first presented by City Staff and the applicant at the Planning & Zoning Commission meeting on April 3, 2019. A subcommittee meeting was held on-site on April 8, 2019. A list of attendees at the subcommittee meeting can be seen in Exhibit A. Discussion at the subcommittee meeting included the following items:

- The outdoor training area needs to be delineated on the plan and hours of outdoor use need to be specified.
- The incorporation of conditions from the most recent approval on the site into this proposed site plan.
- The existing accessory structure needs to be removed or repaired per building code prior to occupancy of the main building is granted.
- The top rail of the existing chain link fence that is to remain should be painted or replaced.

***RECOMMENDATION:***

The subcommittee recommends that this petition be **approved** with the following conditions:

1. The project shall be constructed and maintained in accordance with the plans referenced in the Drawing Submitted portion of this report, except as noted herein.
2. Outdoor use shall be limited to the fenced areas indicated on the Site Plan stamped "RECEIVED MAY 9, 2019 CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT" and shall be limited to the hours of 7am to 7pm.
3. The existing chain link fence and gate along the front property line and the fence along the north and south property lines for a minimum of 20 feet from the front property line shall be removed. Existing barbed wire on the entire existing chain link fence shall also be removed.
4. Landscape islands in the northwest and southwest corners of the property shall be installed and maintained as indicated on the Site Plan stamped "RECEIVED MAY 9, 2019 CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT".

5. The existing accessory structure located in the southeast corner of the property shall be removed as indicated on the proposed plan.
6. The top rail of the existing chain link fence that will remain on the property shall be painted or replaced. All portions of the chain link fence located in front of the existing building shall be maintained to be rust-free for aesthetic reasons.
7. No parking is permitted along the north side of the middle island. Striping and signage may be required by the Fire Marshal.
8. Potholes shall be patched as directed by the Public Services Department.
9. Per Section A-1000.6, two bicycle racks to accommodate a total of four bicycles shall be installed. Said racks must comply with all regulations contained within Section A-1000.6.
10. An emergency access and pet removal plan for after hour incidents shall be provided for review and approval by the Fire Marshal prior to issuance of permits.
11. The petitioner shall comply with all standard conditions as listed in Exhibit B.

Respectfully submitted,

  
\_\_\_\_\_  
David Eagleton

\_\_\_\_\_  
Ron Evens

**Exhibit A  
Attendance List**

**April 8, 2019**

P&Z Subcommittee Meeting

Project:

PZ-24-19, 902 S. Kirkwood Rd (Camp Bow Wow)

Date:

4/8/19

Location:

902 S. Kirkwood

Name	Organization
Jonathan Raiche	City of Kirkwood
David Eagleton	P&Z
Ron Evans	P&Z
Ryos Todd	CITY OF KIRKWOOD
Sharon Jeffers	Camp Bow Wow
Bob Vatterott	Owner
JEFF MUGO	ST LOUIS DESIGN ALLIANCE

**EXHIBIT B**  
**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 shall be submitted within one year of approval and 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. The Letter of Credit shall be drawn from a St. Louis area bank.
2. The premises and improvements as approved by this Special Use Permit shall be in good working order and maintained in good repair at all times.
3. Architectural Review Board shall approve all signs and building architecture prior to the issuance of any building permits.
4. All new rooftop mechanical equipment shall be fully screened from view of adjoining properties. The exact dimensions and materials of the screening shall be approved by the Building Commissioner.
5. The water system shall meet the requirements of the Kirkwood Fire and Water Departments.
6. No parking of construction trailers, material storage, equipment storage or construction equipment is authorized on the public streets at any time.
7. Enclosures are required to screen all dumpsters, grease receptacles, and similar items on the site and shall be constructed of sight-proof materials (e.g. masonry, split-faced concrete masonry units, etc.) similar or complementary to the main building and not less than six feet in height. Latching gates of similar or complementary materials shall be required to completely enclose the dumpster.

BILL

ORDINANCE

AN ORDINANCE GRANTING SPECIAL USE PERMITS FOR A PET DAY CARE AND KENNEL (COMMERCIAL) WITH OUTDOOR USE AT 902 SOUTH KIRKWOOD ROAD SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, Sharon Jeffries made application (PZ-24-19) for Special Use Permits for the purpose of operating a Pet Day Care and Kennel (Commercial) with outdoor use to be located at 902 South Kirkwood Road; and

WHEREAS, the Planning and Zoning Commission did on the 15<sup>th</sup> day of May, 2019, by adopting the Planning and Zoning Commission Report dated May 15, 2019, (attached hereto as Exhibit "A" and incorporated by reference herein), recommend the granting of said Special Use Permits subject to certain conditions and did find that granting of said permits would not substantially increase traffic hazards or congestion, would not substantially increase fire hazards, would not adversely affect the character of the neighborhood, would not adversely affect the general welfare of the community, and would not overtax public utilities, and that granting such permit would be consistent with the zoning laws; and

WHEREAS, the Council did on the 6<sup>th</sup> day of June, 2019, hold a public hearing with respect to such application after duly advertising and giving proper notice of such hearing and does find that the granting of such permit and site plan approval, subject to certain conditions, would not substantially increase traffic hazards or congestion, would not substantially increase fire hazards, would not adversely affect the character of the neighborhood, would not adversely affect the general welfare of the community, and would not overtax public utilities; and

WHEREAS, the Council does further find that the general welfare requires that such permit 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. Special Use Permits for Pet Day Care and Kennel (Commercial) with outdoor use are granted on the property known as 902 South Kirkwood Road subject to the following conditions:

1. The project shall be constructed and maintained in accordance with the Site Plan and Floor Plan stamped "Received May 9, 2019, City of Kirkwood Public Services Department", and the Lighting Plan stamped "Received March 12, 2019, City of Kirkwood Public Services Department", except as noted herein.
2. 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 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. The Letter of Credit shall be drawn from a St. Louis area bank.

3. Outdoor use shall be limited to the fenced areas indicated on the Site Plan stamped "Received May 9, 2019, City of Kirkwood Public Services Department" and shall be limited to the hours of 7am to 7pm.
4. The existing chain link fence and gate along the front property line and the fence along the north and south property lines for a minimum of 20 feet from the front property line shall be removed. Existing barbed wire on the entire existing chain link fence shall also be removed.
5. Landscape islands in the northwest and southwest corners of the property shall be installed and maintained as indicated on the Site Plan stamped "Received May 9, 2019, City of Kirkwood Public Services Department".
6. The existing accessory structure located in the southeast corner of the property shall be removed as indicated on the proposed plan.
7. The top rail of the existing chain link fence that will remain on the property shall be painted or replaced. All portions of the chain link fence located in front of the existing building shall be maintained to be rust-free for aesthetic reasons.
8. No parking is permitted along the north side of the middle island. Striping and signage may be required by the Fire Marshal.
9. Potholes shall be patched as directed by the Public Services Department.
10. Per Section A-1000.6, two bicycle racks to accommodate a total of four bicycles shall be installed. Said racks must comply with all regulations contained within Section A-1000.6.
11. An emergency access and pet removal plan for after hour incidents shall be provided for review and approval by the Fire Marshal prior to issuance of permits.
12. All new curb is required to be 18" concrete barrier curb.
13. Parking lot entrances shall be 7" thick concrete and ADA compliant.
14. The water system shall meet the requirements of the Kirkwood Fire and Water Departments. 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 petitioner shall install the necessary mains and accessories.
15. 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.
16. No parking of construction trailers, material storage, equipment storage, or construction equipment is authorized on the public streets at any time.

17. Enclosures are required to screen all dumpsters, grease receptacles, and similar items on the site and shall be constructed of sight-proof materials (e.g. masonry, split-faced concrete masonry units, etc.) similar or complementary to the main building and not less than six feet in height. Latching gates of similar or complementary materials shall be required to completely enclose the dumpster.
18. An accessible route in compliance with ADA standards shall be provided from the proposed accessible parking spaces to the accessible entrance of the building.
19. All rooftop equipment, air-conditioning units and mechanical equipment shall be completely screened from view of adjoining properties and public right-of-way.
20. The Architectural Review Board shall approve all signs and building architecture prior to the issuance of any building permits.

SECTION 2. 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 any permit. These devices shall be maintained during the construction activities. Failure to maintain these devices authorizes the Public Services Department to issue a Stop Work Order for the building permit until such devices are restored.

SECTION 3. The approval of these special use permits 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 4. The premises and improvements as approved by these special use permits shall be in good working order and maintained in good repair at all times.

SECTION 5. The applicant by accepting and acting under the special use permits herein granted accepts the permit 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 permit in the event such provisions are not complied with.

SECTION 6. The applicant further agrees by accepting and acting under these special use permits 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 petitioner does not obtain a building permit within one year of the passage of this ordinance.

SECTION 8. The applicant and her 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 9. This ordinance shall be in full force and effect after its passage and approval, as provided by law.

PASSED AND APPROVED THIS day of \_\_\_\_\_, 2019.

---

Mayor, City of Kirkwood

ATTEST:

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City Clerk

Introduced:

1<sup>st</sup> Reading:

2<sup>nd</sup> Reading:

# Legislation Request

## Ordinance

Place On The Agenda Of: 6/6/2019

Step #1:

Strategic Plan Select...      Goal # & Title

### Background To Issue:

The applicant has applied for multiple Special Use Permit to allow for operation of a Pet Day Care and Kennel (Commercial) operation with outdoor uses. The request includes the renovation of the existing building at 902 S. Kirkwood Road which was previously occupied by ABC Material and is zoned I-1, Light Industrial. Additional information can be found in the attached documents.

### Recommendations and Action Requested:

The Planning & Zoning Commission recommended approval of the request with conditions by a vote of 7-0. A public hearing is requested for June 6th with City Council's consideration following.

### Alternatives Available:

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: 5/22/2019      Authenticated: raichejd

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



2019-06-06 PZ-24-19  
Ordinance.doc  
Microsoft Word 97 - 2003  
Document  
45.5 KB



2019-05-15 PZ-24-19  
Report.pdf  
Adobe Acrobat Document  
4.31 MB



2019-06-06 PZ-24-19 CC  
Plans.pdf  
Adobe Acrobat Document  
5.04 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

Diasapprove

Chief Administrative Officer's Comments:

BY:



Date:

5-31-19

**CITY OF KIRKWOOD  
PLANNING AND ZONING SUBCOMMITTEE REPORT  
May 15, 2019**

**PETITION NUMBER:** PZ-24-19

**ACTION REQUESTED:** SPECIAL USE PERMITS (PET DAY CARE, KENNEL, OUTDOOR USE)

**PROPERTY OWNER:** ROBERT VATTEROTT PROPERTIES, INC.

**PETITIONER:** SHARON JEFFRIES, CAMP BOW WOW

**PETITIONER'S AGENT:** PETER NEWTON, HILLIKER CORP  
JEFF MUGG, SAINT LOUIS DESIGN ALLIANCE

**PROPERTY LOCATION:** 902 SOUTH KIRKWOOD ROAD

**ZONING:** I-1, LIGHT INDUSTRIAL DISTRICT

**DRAWINGS SUBMITTED:** SITE PLAN AND FLOOR PLAN PREPARED BY SAINT LOUIS DESIGN ALLIANCE ARCHITECTS STAMPED "RECEIVED MAY 9, 2019 CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT"

LIGHTING PLAN STAMPED "RECEIVED MARCH 12, 2019 CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT"

**DESCRIPTION OF PROJECT:**

The petitioner is requesting multiple Special Use Permits to allow the operation of a pet day-care facility with overnight boarding, training, and grooming services in the existing building and property located at 902 South Kirkwood Road. The property was most recently occupied by ABC Supply Company. The property has been historically used for similar uses with outdoor storage as a non-conforming use. The legal non-conforming outdoor storage component has been abandoned for more than 180 days and therefore has lost the legal non-conforming status. The property and building are currently vacant.

The petitioner proposes to renovate the interior of the main existing building and the existing parking lot. The building will be renovated to include a large area with individual boarding facilities, common indoor play areas, office area, grooming areas, and a reception area. In addition to the indoor facilities, the applicant has also proposed multiple outdoor play areas enclosed by an 8' tall vinyl fence.

**ZONING, LAND USE, AND COMPREHENSIVE PLAN:**

The subject property is presently zoned I-1, Light Industrial District and is designated as Transition Mix Use by the EnVision Kirkwood 2035 Comprehensive Plan. The Transition Mix Use Land Use designation includes the provision for Regional Commercial uses. The proposed land use is listed in this district as a Special Use requiring the applicant to apply for a Special Use Permit. Surrounding land uses and zoning include the following:

To the south: A multi-building office park is located to the south and is zoned I-1.

To the north: Commercial/light industrial buildings are located across the BNSF railroad right-of-way and are zoned I-1.

To the east: A combination of commercial/light industrial uses and single-family residential homes are located to the east. These properties are zoned I-1 and R-4.

To the west: Commercial/light industrial buildings are located across Kirkwood Road and are zoned I-1.

***OUTSTANDING DEPARTMENTAL/AGENCY COMMENTS:***

Engineering: 1. Applicant shall provide staking/layout of the entrance location for the City contractor to install as part of the S. Kirkwood Road TAP project.  
2. Construct and grade island at SW property corner to drain towards the existing area inlet east of the proposed island. Area Inlet A will be eliminated from the City's TAP project.

Fire: 1. Provide an emergency access and pet removal plan for after hour incidents. It looks like there are over 100 indoor pet pens and even partial occupancy could quickly overwhelm our ability function, maintain safety for our personnel and safely remove the pets.

***DISCUSSION:***

A Zoning Matters sign was posted on the property on March 29, 2019, and notice of the Planning & Zoning Commission was properly posted. This request was first presented by City Staff and the applicant at the Planning & Zoning Commission meeting on April 3, 2019. A subcommittee meeting was held on-site on April 8, 2019. A list of attendees at the subcommittee meeting can be seen in Exhibit A. Discussion at the subcommittee meeting included the following items:

- The outdoor training area needs to be delineated on the plan and hours of outdoor use need to be specified.
- The incorporation of conditions from the most recent approval on the site into this proposed site plan.
- The existing accessory structure needs to be removed or repaired per building code prior to occupancy of the main building is granted.
- The top rail of the existing chain link fence that is to remain should be painted or replaced.

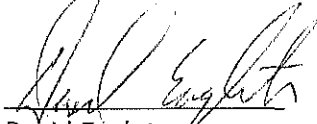
**RECOMMENDATION:**

The subcommittee recommends that this petition be **approved** with the following conditions:

1. The project shall be constructed and maintained in accordance with the plans referenced in the Drawing Submitted portion of this report, except as noted herein.
2. Outdoor use shall be limited to the fenced areas indicated on the Site Plan stamped "RECEIVED MAY 9, 2019 CITY OF KIRKWOOD PUBLIC SERVICES DEPARTMENT" and shall be limited to the hours of 7am to 7pm.
3. The existing chain link fence and gate along the front property line and the fence along the north and south property lines for a minimum of 20 feet from the front property line shall be removed. Existing barbed wire on the entire existing chain link fence shall also be removed.
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7. No parking is permitted along the north side of the middle island. Striping and signage may be required by the Fire Marshal.
8. Potholes shall be patched as directed by the Public Services Department.
9. Per Section A-1000.6, two bicycle racks to accommodate a total of four bicycles shall be installed. Said racks must comply with all regulations contained within Section A-1000.6.
10. An emergency access and pet removal plan for after hour incidents shall be provided for review and approval by the Fire Marshal prior to issuance of permits.
11. The petitioner shall comply with all standard conditions as listed in Exhibit B.

Respectfully submitted,

  
\_\_\_\_\_  
David Eagleton

\_\_\_\_\_  
Ron Evens



**Exhibit A  
Attendance List**

**April 8, 2019**

P&Z Subcommittee Meeting

Project:

PZ-24-19, 900 S. Kirkwood Rd (Camp Bow Wow)

Date:

4/8/19

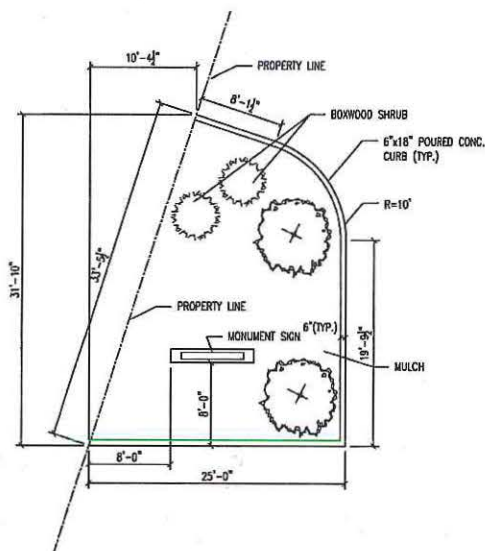
Location:

900 S. Kirkwood

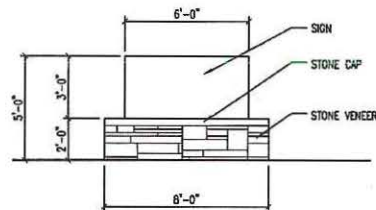
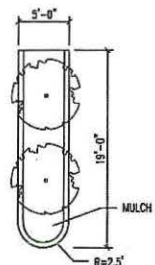
Name	Organization
Jonathan Riche	City of Kirkwood
David Eagleton	P&Z
Ron Evers	P&Z
RUSSELL TODD	CITY OF KIRKWOOD
STANLEY JEFFERIS	Camp Bow Wow
Bob Vatterott	Dawson
JEFF MUGU	ST LOUIS DESIGN ALLIANCE

**EXHIBIT B**  
**STANDARD CONDITIONS**

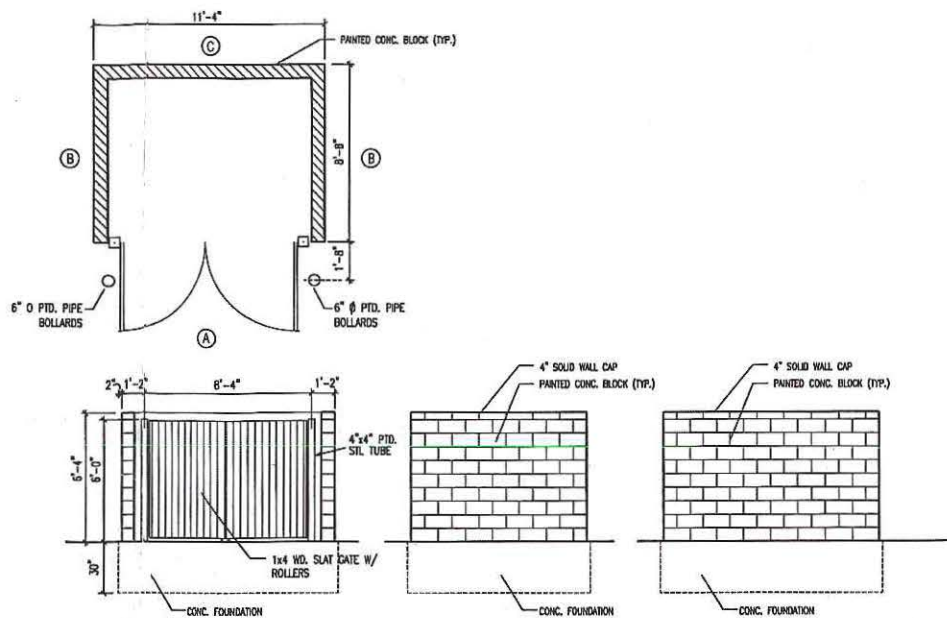
1. A performance guarantee in the form of a cash deposit or letter of credit in an amount approved by the Public Services Department and an administrative fee shall be submitted within one year of approval and prior to the issuance of a building permit to insure the completion of the proposed improvements, 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. The Letter of Credit shall be drawn from a St. Louis area bank.
2. The premises and improvements as approved by this Special Use Permit shall be in good working order and maintained in good repair at all times.
3. Architectural Review Board shall approve all signs and building architecture prior to the issuance of any building permits.
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6. No parking of construction trailers, material storage, equipment storage or construction equipment is authorized on the public streets at any time.
7. Enclosures are required to screen all dumpsters, grease receptacles, and similar items on the site and shall be constructed of sight-proof materials (e.g. masonry, split-faced concrete masonry units, etc.) similar or complementary to the main building and not less than six feet in height. Latching gates of similar or complementary materials shall be required to completely enclose the dumpster.



● PARKING ISLANDS  
SCALE: 1/8"=1'-0"

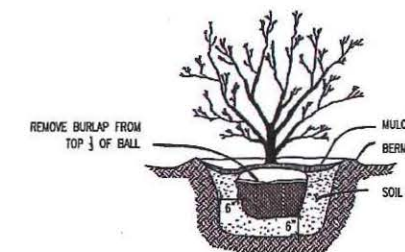


● MONUMENT SIGN  
SCALE: 1/4"=1'-0"

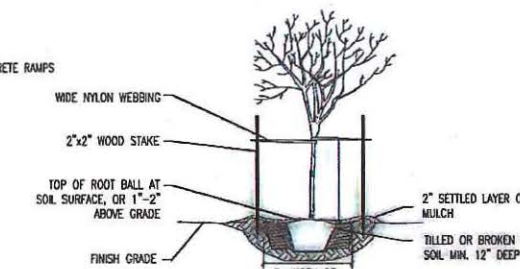


● TRASH ENCLOSURE PLAN AND ELEVATIONS  
SCALE: 1/4"=1'-0"

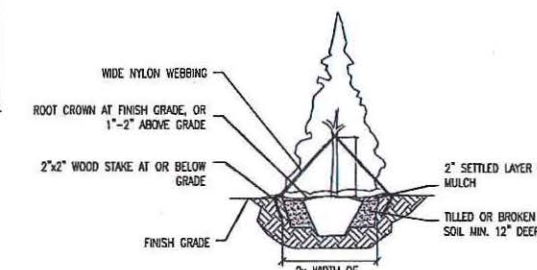
LANDSCAPE SCHEDULE				
SYMBOL	NAME	QTY.	SIZE	SPACING
A	FLOWERING CRABAPPLE TREE	2	1 1/2" CAL.	14 FEET
B	FLOWERING DOGWOOD TREE	2	1 1/2" CAL.	14 FEET
C	EMERALD GREEN	3	1 1/2" CAL.	6 FEET
○	BOXWOOD SHRUB	2	2 GAL.	5 FEET



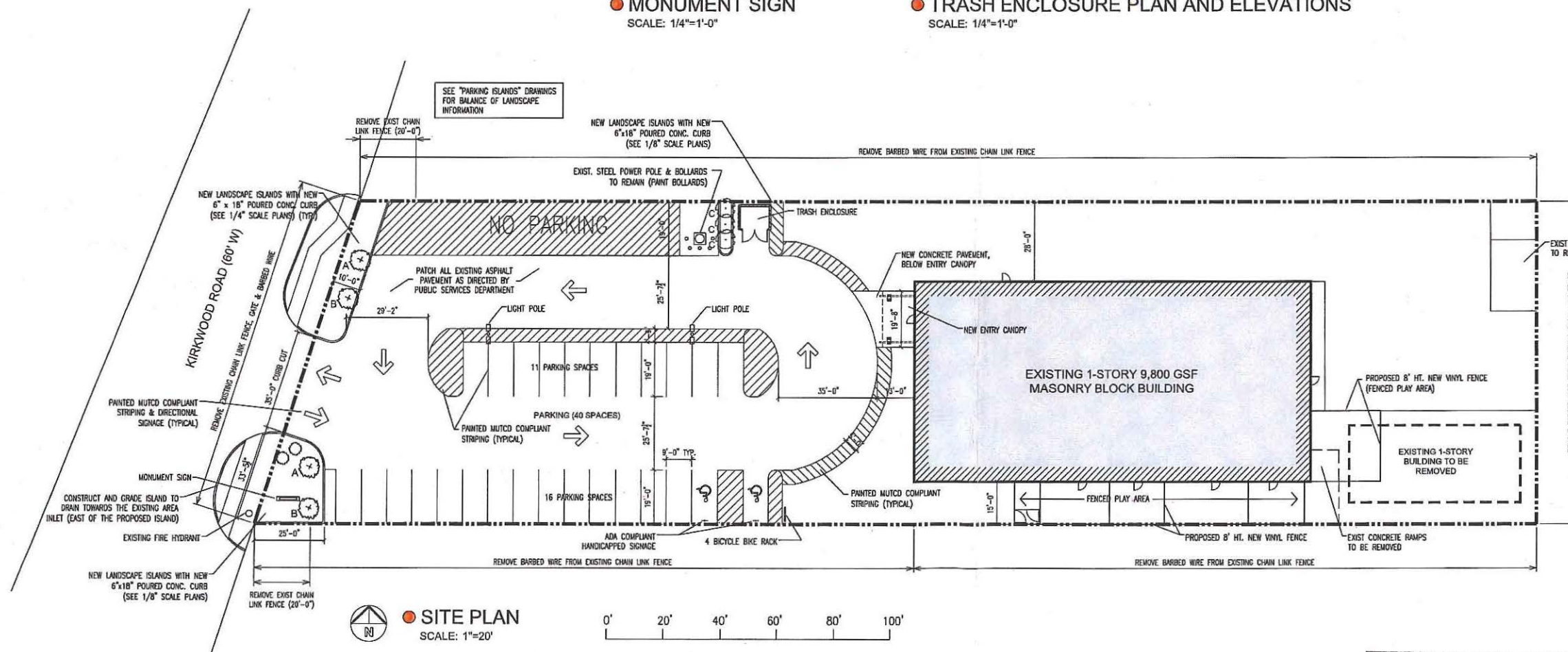
SHRUB PLATING  
N.T.S.



TREE PLATING  
N.T.S.

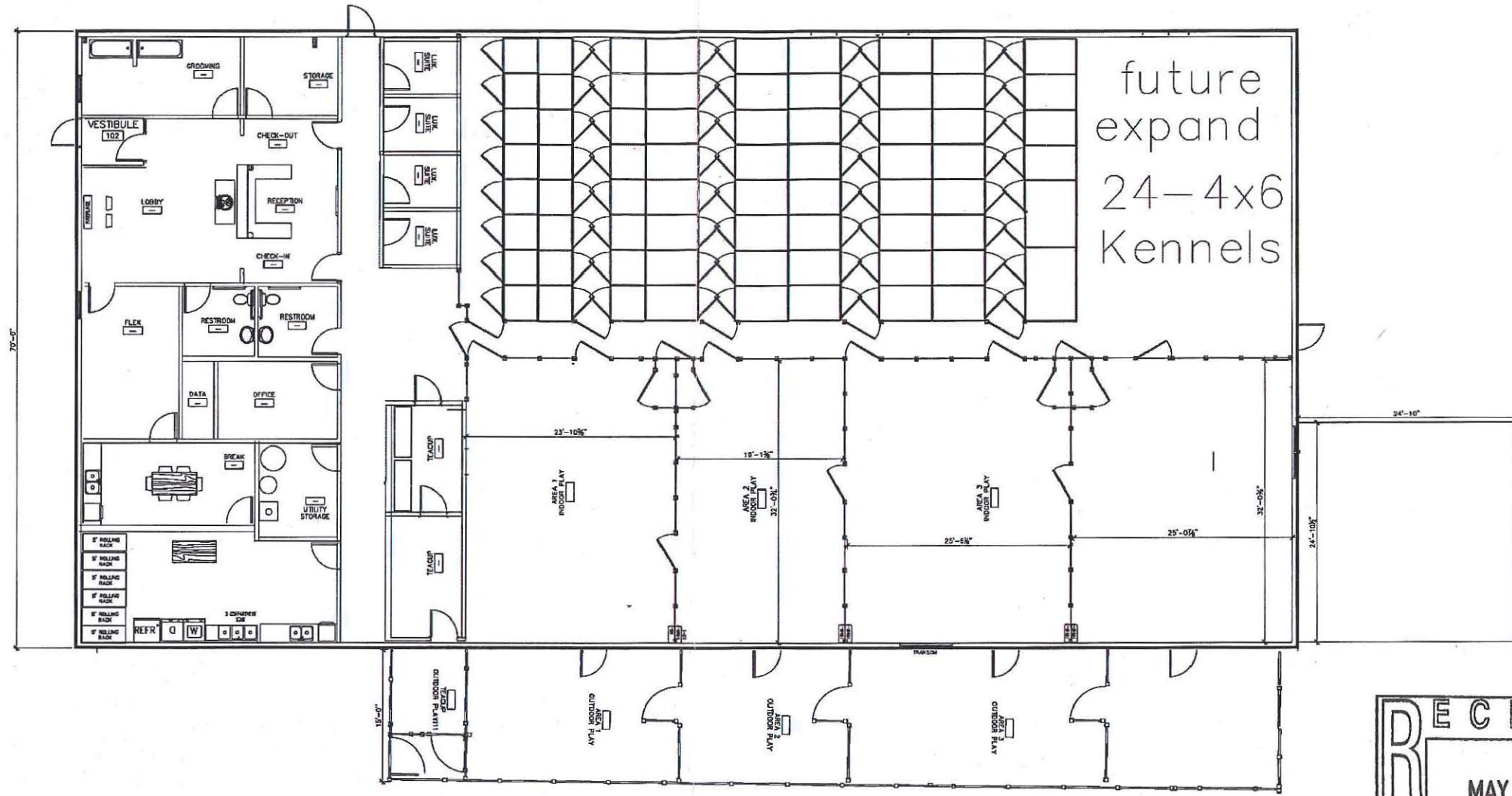


EVERGREEN PLATING  
N.T.S.



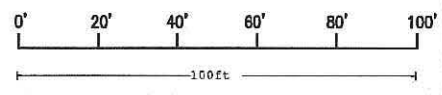
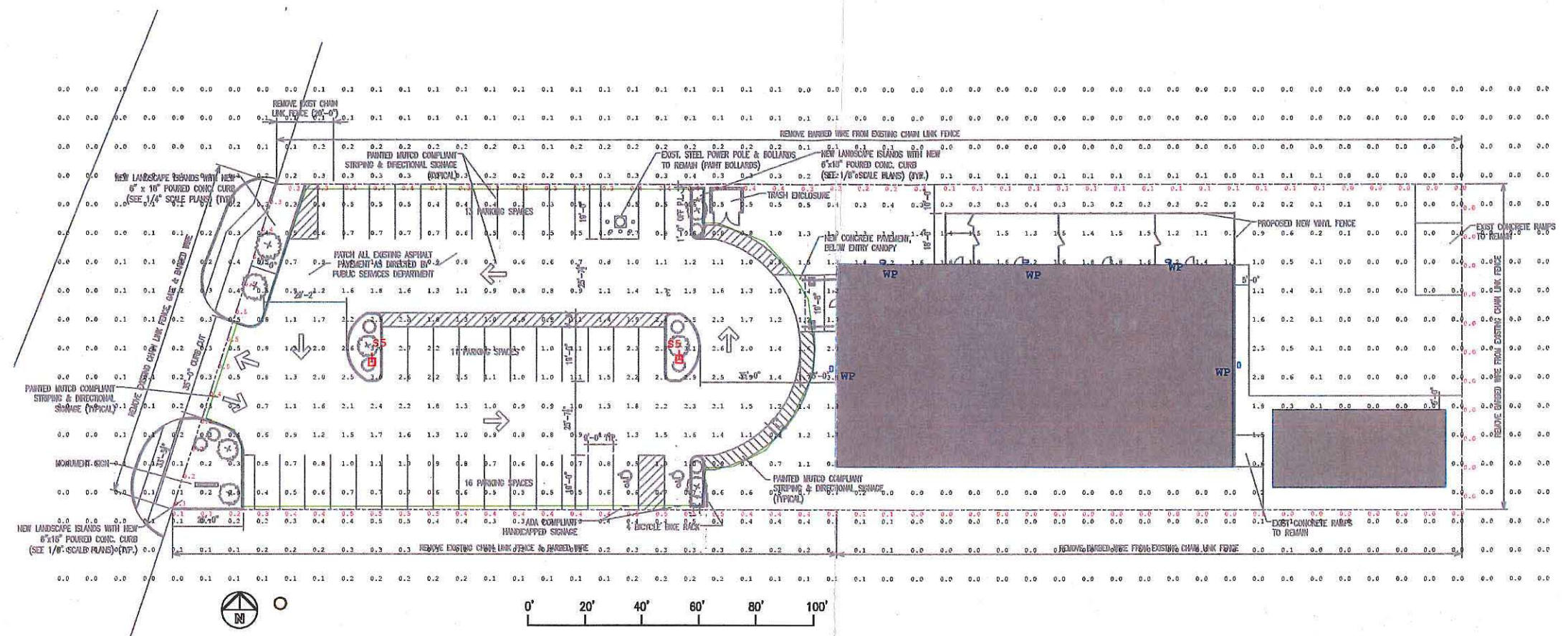
● SITE PLAN  
SCALE: 1"=20'






**FLOOR PLAN**  
 SCALE: 1/16"=1'-0"

**RECEIVED**  
 MAY 09 2019  
 CITY OF KIRKWOOD  
 PUBLIC SERVICES DEPARTMENT



**RECEIVED**  
 MAR 12 2019  
 CITY OF KIRKWOOD  
 PUBLIC SERVICES DEPARTMENT

3.12.19  
 JEFFERY  
 PAUL  
 MUGG  
 NUMBER  
 A-5221

20' MOUNTING HEIGHT SHOWN (18' POLE + 2' CONCRETE BASE)  
 MAINTAINED LIGHT LEVELS

**DISCLAIMER:**  
 The lighting calculations contained herein are for estimation purposes only and are based upon information provided at the time of calculation. Actual results may differ due to variances in surface finishes and reflectance, supply voltage, and final fixture placement. LEC - Ward Burton & Co. will not be held responsible for light level differences encountered as a result of these variances.

Calculation Summary							
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
ALL CALC POINTS	Illuminance	Fc	0.46	3.8	0.0	N.A.	N.A.
PROPERTY LINE	Illuminance	Fc	0.21	0.5	0.0	N.A.	N.A.
PARKING LOT CALCS	Illuminance	Fc	1.20	3.1	0.3	4.00	10.33

Luminaire Schedule							
Symbol	Qty	Label	Description	Lum. Lumens	LLF	Lum. Watts	Total Watts
□	2	S5	VP-L-64L-135-4K7-5W-XXX-A-DB/SSS-B-18-40-A-1-B3-DB	17009	0.900	137.6	275.2
□	5	WP	LNC2-12LU-4K-2-1 WALL MOUNTED @ 12' AFG	2466	0.900	27.6	138



#	Date	Comments

Drawn By: ZEB  
 Checked By:  
 Date: 3/11/2019  
 Scale:

Filename: CMPF BOW WOV POINT 5 MAX SPILL.AGI

# 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 for a Restaurant at 151 W. Jefferson (Gelato Di Riso)**

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 Jonathan Raiche**

Mayor: Georgia, 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

STATE OF MISSOURI  
COUNTY OF ST. LOUIS

} S.S.

Page 1 of 1

Before the undersigned Notary Public personally appeared **Chanel Jones** on behalf of **THE COUNTIAN, ST. LOUIS COUNTY** who, being duly sworn, attests that said newspaper is qualified under the provisions of Missouri law governing public notices to publish, and did so publish, the notice annexed hereto, starting with the **May 21, 2019** edition and ending with the **May 21, 2019** edition, for a total of 1 publications:

05/21/2019

## 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, June 6, 2019 to consider the following:

1. *Amendments to the Zoning Code regarding regulation of Medical Marijuana related to Amendment 2 of the State Constitution - Citywide*
2. *A request for a Special Use Permit for a Pet Day Care and Commercial Kennel with Outdoor Use proposed for 902 S. Kirkwood Road (Camp Bow Wow)*
3. *A request for a Special Use Permit for a Restaurant at 151 W. Jefferson (Gelato Di Riso)*

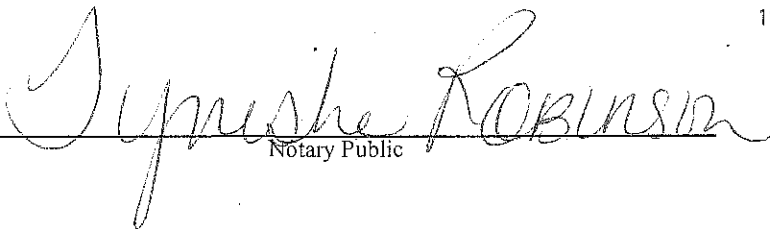
Laurie Asche, CMC/MRCC  
City Clerk

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.  
11747084 County May 21, 2019



Chanel Jones

Subscribed & sworn before me this 21<sup>st</sup> day of May, 2019  
(SEAL)



Notary Public





## AFFIDAVIT OF PUBLICATION

**City of Kirkwood**

Attn:

Laurie Asche

City Clerk

139 S. Kirkwood Rd.

Kirkwood, MO 63122

I, Terry Cassidy, verify that the attached Public Hearing  
Notice was published in the Webster-Kirkwood Times on

May 24, 2019

  
Advertising Consultant





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

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- 2. A request for a Special Use Permit for a Pet Day Care and Commercial Kennel with Outdoor Use proposed for 902 S. Kirkwood Road (Camp Bow Wow)***
- 3. A request for a Special Use Permit for a Restaurant at 151 W. Jefferson (Gelato Di Riso)***

Laurie Asche, CMC/MRCC  
City Clerk

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North Kirkwood Road

321  
317  
309  
305  
305

Harrison Square Condominium 338

230 220

Kirkwood Methodist Church (201h)

245 241 237

Kirkwood United Methodist Church Preschool

128 132 136 325

129 115 301

Keane Group Building

302 121

West Adams Avenue

West Adams Avenue

8

225  
221

244 242 236 230 226

243 237 231 225

Bishop Edward J. O'Donnell Parish Center and Gymnasium

215 Saint Peter School

Kirkwood Masonic 211ge

North Harrison Avenue

144 138 136 130

214 100

212 213

204 139 135 123 115 113 107

161 157 123 207 201

Edward Jones

North Clay Avenue

West Jefferson Avenue

West Jefferson Avenue

8

123  
117  
111  
103

124 234 112

Deacon Jones Drive

237 Saint Peter Catholic Church

Ursuline Hall

Saint Peter Rectory

104 157 153 137 131 125 117 115 109

157 137 131 125 117 113 101

124 120 114 112 100

Mike Duffy's Pub & Grill

Kirkwood Fire House

Great Harvest Bread Company

The Bud

North Kirkwood Road

PROPERTY OWNER  
521 VILLA GARDENS DR  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
P.O. BOX 481  
GROVER, MO 63040

PROPERTY OWNER  
1221 GRANDVIEW DR  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
123 W ARGONNE DR  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
120 W JEFFERSON AVE  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
40 E LOCKWOOD AVE  
SAINT LOUIS, MO 63119

PROPERTY OWNER  
702 BRIARFARM LN  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
1721 KENMONT RD  
SAINT LOUIS, MO 63124

PROPERTY OWNER  
115 W JEFFERSON AVE  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
131 W ARGONNE DR  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
20 ARCHBISHOP MAY DR  
SAINT LOUIS, MO 63119

PROPERTY OWNER  
206 N CLAY AVE, A  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
137 W ARGONNE DR  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
704 PEARL AVE  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
651 PEARL AVE  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
151 W ARGONNE DR  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
704 PEARL AVE  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
120 W ADAMS AVE  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
153 W ARGONNE AVE  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
1481 WILTON LN  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
1520 WINDRIDGE DR  
SAINT LOUIS, MO 63131

PROPERTY OWNER  
2052 BARRETT STATION RD  
SAINT LOUIS, MO 63131

PROPERTY OWNER  
6931 CHESHIRE LN  
SAINT LOUIS, MO 63123

PROPERTY OWNER  
206 W ARGONNE DR, STE 201  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
206 W ARGONNE DR, STE 200  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
24 KENNERLY MANOR DR  
SAINT LOUIS, MO 63128

PROPERTY OWNER  
114 W JEFFERSON AVE  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
123 W JEFFERSON AVE  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
121 W ADAMS AVE  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
364 JEFFERSON RD  
SAINT LOUIS, MO 63119

PROPERTY OWNER  
135 W ADAMS AVE  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
201 W ADAMS AVE  
SAINT LOUIS, MO 63122

PROPERTY OWNER  
4200 CARR LANN CT  
SAINT LOUIS, MO 63119



WHERE COMMUNITY AND SPIRIT MEET

May 16, 2019

Russell B. Hawes  
Chief Administrative Officer

At the May 15, 2019, meeting of the Planning and Zoning Commission, the following action was taken:

1. The Commission unanimously recommended approval of the final plat and development plans for an eight-lot Community Unit Plan known as Emmerson Estates Subdivision at 2017 Lily Avenue and 2040 Boaz Avenue.
2. The Commission unanimously recommended approval of Special Use Permits for a kennel/pet day care/outdoor use and the associated site plan or Camp Bow Wow at 902 South Kirkwood Road.
3. The Commission unanimously recommended approval of a Special Use Permit for a restaurant known as Gelato Di Riso at 151 West Jefferson Avenue.
4. By a vote of 5 to 2, the Commission recommended approval of amendments to the Zoning Code for medical marijuana facilities.

The next meeting will be held on June 19, 2019, at 7 p.m.

Respectfully submitted,

Allen Klippel, Chair  
Planning and Zoning Commission

# MEMORANDUM

**TO:** PLANNING & ZONING COMMISSION  
**FROM:** JONATHAN D. RAICHE, CITY PLANNER *JDR*  
**SUBJECT:** PZ-2-20; 151 WEST JEFFERSON AVENUE  
GELATO DI RISO (SUP – RESTAURANT)  
**DATE:** MAY 8, 2019  
**CC:** BILL BENSING, PUBLIC SERVICES DIRECTOR



WHERE COMMUNITY AND SPIRIT MEET®

## **PROJECT DESCRIPTION:**

The new restaurant, Gelato Di Riso, is proposed for the tenant space at 151 West Jefferson Avenue. This tenant space is the eastern half of the 1,680sf building and was most recently occupied by a women's clothing and accessory boutique shop, Ginger & Mary Ann's. The applicant has indicated that they intend to sell gelato, Italian coffees, and small pastries with hours of operation from 7:30am – 10:30pm seven days a week. The applicant also indicated that they expect a maximum of two employees on any shift. The proposal describes four to five small tables located inside the tenant space with the option for two small tables outside. The applicant intends to have a maximum of 20 seats inside the restaurant. The outdoor seating described can be accommodated by the outdoor seating permitted within the Zoning Code (if on private property) and within the Streets & Sidewalks section of the municipal code (if on public sidewalks).

## **DISCUSSION:**

Zoning Matters signs will be posted on the property by May 10<sup>th</sup>, 2019. Section A-1000: Parking Regulations of the Zoning Code states that the change of use of any premises within the downtown area shall be exempt from additional parking and loading requirements. The subject building is under common ownership with the surface parking lot to the west. This surface parking lot currently provides a total of six parking spaces (five to the west and one to the north) which are divided equally for employees of the two tenant spaces. The owner and applicant have indicated that three of these spaces will be dedicated to the proposed restaurant.

## **RECOMMENDATION:**

Staff recommends this petition be **approved** with the following conditions:

1. A Special Use Permit shall be granted to allow for the operation of a restaurant in the tenant space known as 151 West Jefferson Avenue.
2. The restaurant shall be limited to twenty seats inside the restaurant with the additional ability for accessory outdoor seating according the requirements of the Kirkwood Municipal Code.

## **Attachments:**

Planning & Zoning Application  
Applicant Cover Letter  
Partial Site Exhibit & Survey



WHERE COMMUNITY AND SERVICE MEET<sup>4</sup>

May 6, 2019

Larry Fuse  
Gelato Di Riso  
1944 Berra Court  
St. Louis, Missouri 63110

SENT VIA EMAIL: [larry@lorenzostrattoria.com](mailto:larry@lorenzostrattoria.com)

SUBJECT: PZ-2-20; 151 WEST JEFFERSON AVE. – GELATO DI RISO (SUP- RESTAURANT)

Mr. Fuse:

The City of Kirkwood Public Services Department is in receipt of your petition for a Special Use Permit to open a restaurant located at 151 West Jefferson Avenue. This item will be placed on the Planning and Zoning Commission agenda for its meeting at **7:00 p.m. on Wednesday, May 15, 2019** at Kirkwood City Hall, 139 South 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 any additional information on this item to the Commission and answer any questions the Commission members may have.

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

1. All work related to this petition must comply with all Kirkwood Ordinances including, but not limited to, building and fire codes.
2. Provide additional information regarding any agreement with the property owner related to the on-site parking that appears to be shared with the other building tenant. Please be sure to include if any spaces will be dedicated to employees and/or customers of your business.
3. An excerpt of the survey was provided with the application. If available, please provide the entire survey which will include the entirety of the subject property including the parking area.
4. Provide written confirmation/clarification that your proposed business will only be occupying the eastern half of the subject building. The address provided is for this specific tenant space, but the Site Plan provided does not indicate that there will still be two tenants in the building.

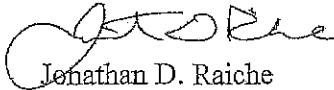
This is a preliminary review of the application. The Planning and Zoning Commission and Public Services Department will review the application in detail and provide further comments

as necessary. This preliminary review is not an approval or acceptance of any part of the application submitted.

The applicant is further advised that it is the applicant's responsibility to follow their 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



Jonathan D. Raiche

City Planner

314-984-5926

[raichejd@kirkwoodmo.org](mailto:raichejd@kirkwoodmo.org)



BILL

ORDINANCE

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A RESTAURANT AT 151 WEST JEFFERSON AVENUE SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, Larry Fuse made application (PZ-2-20) for a Special Use Permit to operate a restaurant at 151 West Jefferson Avenue; and

WHEREAS, the Planning and Zoning Commission did on the 15<sup>th</sup> day of May, 2019, recommend the granting of said Special Use Permit subject to certain conditions and did find that granting of said permit would not substantially increase traffic hazards or congestion, would not substantially increase fire hazards, would not adversely affect the character of the neighborhood, would not adversely affect the general welfare of the community, and would not overtax public utilities, and that granting such permit would be consistent with the zoning laws; and

WHEREAS, the Council did on the 6<sup>th</sup> day of June, 2019, hold a public hearing with respect to such application after duly advertising and giving proper notice of such hearing and does find that the granting of such permit, subject to certain conditions, would not substantially increase traffic hazards or congestion, would not substantially increase fire hazards, would not adversely affect the character of the neighborhood, would not adversely affect the general welfare of the community, and would not overtax public utilities; and

WHEREAS, the Council does further find that the general welfare requires that such permit 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 restaurant on the property known as 151 West Jefferson Avenue subject to the following conditions:

1. The restaurant shall be limited to twenty seats inside the restaurant with the additional ability for accessory outdoor seating according the requirements of the Kirkwood Municipal Code.

SECTION 2. The approval of this special use permit 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 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 accepts the permit 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 permit in the event such provisions are not complied with.

SECTION 5. The applicant and his 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 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 petitioner 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 \_\_\_\_\_, 2019.

\_\_\_\_\_  
Mayor, City of Kirkwood

ATTEST:

\_\_\_\_\_  
City Clerk

Introduced:  
1<sup>st</sup> Reading:  
2<sup>nd</sup> Reading:

# Legislation Request

## Ordinance

Place On The Agenda Of: 6/6/2019

### Step #1:

Strategic Plan Select... Goal # & Title

### Background To Issue:

The owner of Gelato Di Riso has applied for a Special Use Permit to open their gelato, pastry, and Italian coffee restaurant at the tenant space known as 151 West Jefferson Avenue. Due to the minor scope of the proposal, the P&Z Commission voted to recommend approval of the project based on Staff's prepared memo rather than assigning a sub-committee.

### Recommendations and Action Requested:

The P&Z Commission recommended approval of the project with conditions by a vote of 7-0. This request is for a public hearing to be held and City Council consideration to follow.

### Alternatives Available:

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: 5/20/2019

Authenticated: raichejd

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



2019-06-06 PZ-2-20 CC  
Packet.pdf  
Adobe Acrobat Document  
9.50 MB



2019-06-06 PZ-2-20  
Ordinance.doc  
Microsoft Word 97 - 2003  
Document  
37.5 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:



Date:

5-31-19

# MEMORANDUM

**TO:** PLANNING & ZONING COMMISSION  
**FROM:** JONATHAN D. RAICHE, CITY PLANNER *JDR*  
**SUBJECT:** PZ-2-20; 151 WEST JEFFERSON AVENUE  
GELATO DI RISO (SUP – RESTAURANT)  
**DATE:** MAY 8, 2019  
**CC:** BILL BENSING, PUBLIC SERVICES DIRECTOR



WHERE COMMUNITY AND SPIRIT MEET<sup>®</sup>

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## **Attachments:**

Planning & Zoning Application  
Applicant Cover Letter  
Partial Site Exhibit & Survey

# CITY OF KIRKWOOD

## APPLICATION FOR PLANNING AND ZONING COMMISSION ACTION

DATE: 4/25/19

CASE NUMBER: PZ-2-20

PROJECT ADDRESS: 151 W JEFFERSON  
 ZONING DISTRICT: B-2 LOT SIZE: \_\_\_\_\_  
 LOCATOR NUMBER: 23M120912  
 PROJECT NAME: Belato Di Rico

### ACTION REQUESTED

- |   |   |
|---|---|
| <input type="checkbox"/> Zoning Change From _____ to _____<br><input type="checkbox"/> Community Unit Plan, Type: _____<br><input checked="" type="checkbox"/> Special Use Permit, Category: <u>RESTAURANT</u><br><input type="checkbox"/> Subdivision Development, Number of Lots: _____<br><input type="checkbox"/> B4 Development Plan<br><input type="checkbox"/> B5 Development Plan | <input type="checkbox"/> Site Plan Review<br><input type="checkbox"/> Right-of-Way/Easement Vacation<br><input type="checkbox"/> Other: _____<br>Comments: _____<br>_____ |
|---|---|

### 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): LARRY FUSE Signature: [Signature] Phone No.: (314) 575-0618  
 Mailing Address: 1944 BERRA COURT City: ST. LOUIS State: MO Zip: 63110  
 E-mail Address: larryelorenzostrattoria.com  
 Petitioner's Status:  Corporation  Partnership  Individual  
 Relationship of Petitioner to Property:  Owner  Tenant  Option Holder (Attach Copy of Contract)  Other

### AGENT INFORMATION

Agent's Name: LARRY FUSE 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: <u>PAMELA J DEBANDT</u> Signature: <u>[Signature]</u> Address: <u>704 KEARL AVE</u> City/State/Zip: <u>KIRKWOOD MO 63122</u> Phone: <u>314-221-8394</u>	Name: <u>CAROLINE WURM</u> Signature: <u>[Signature]</u> Address: <u>5312 DAGGETT</u> City/State/Zip: <u>ST. LOUIS MO 63110</u> Phone: <u>314-497-3303</u>
---	--

### FOR CITY USE ONLY

- Date Received: 4-25-19 Total Received: \$1000<sup>00</sup> Agenda Date: 5-15-19
- B-4/B-5 Development Plan (Preliminary): \$1,000 + \_\_\_\_\_ Acres @ \$100/Acre or portion over one acre) = \$ \_\_\_\_\_
  - CUP, Preliminary (Multi Family): \$1,000 + \_\_\_\_\_ Dwelling units @ \$20/Each = \$ \_\_\_\_\_ = \$ \_\_\_\_\_
  - CUP, Preliminary (Detached Single Family): \$1,000 + \_\_\_\_\_ Lots @ \$500/Lot = \$ \_\_\_\_\_
  - Letter of Credit Extension: \$100
  - Rezoning: \$1,000
  - Site Plan Review: \$1,000
  - Site Plan Review Amendment \$800 or Extension: \$300
  - Site Plan Review, Mixed Use in B2 Zoning District (Preliminary): \$1,000 (includes SPR fee) + \$25/acre or portion over one acre
  - Special Use Permit and Special Use Permit Amendments: \$1,000
  - Subdivision, Preliminary (Detached Single Family): \_\_\_\_\_ Lots @ \$500/Lot = \$ \_\_\_\_\_
  - Vacation, Easement: \$75
  - Vacation, Right-of-way: \$100
  - Zoning Code Amendment: \$1,000

### Final Subdivision Plat/Community Unit Plan/B-4or B-5 Development Plan

- Date Received: \_\_\_\_\_ Total Received: \$ \_\_\_\_\_ Agenda Date: \_\_\_\_\_
- B-4 and B-5 Development Plan (Final) or B4 Development Plan Amendment (when public hearing is not required): \$1,000
  - B-5 Development Plan Amendment (when public hearing is not required): \$500
  - CUP Amendment, Type A or Type C: Without public hearing \$500; With public hearing \$800
  - CUP Type C (Final): \$500 + 1-1/4% of \$ \_\_\_\_\_ = \$ \_\_\_\_\_
  - CUP Type A or C Time Extension on Final: \$300
  - Sidewalk Waiver on \_\_\_\_\_ feet @ \$30/Foot = \$ \_\_\_\_\_ = \$ \_\_\_\_\_
  - Site Plan Review, Mixed use in B2 Zoning District (Final): \$500
  - Site Plan, Mixed use in B2 Zoning District Amendment: \$300
  - Subdivision Plat or CUP Type A (Final): \_\_\_\_\_ Lots @ \$100/Lot = \$ \_\_\_\_\_ + 1-1/4% of \$ \_\_\_\_\_ = \$ \_\_\_\_\_
  - Subdivision Plat Development Plan Amendment: \$200

Gelato Di Riso  
5204 Wilson Ave Saint Louis, MO.63110


April 25, 2019

City of Kirkwood  
Planning and Zoning Commission  
139 South Kirkwood Road  
Kirkwood, MO. 63122

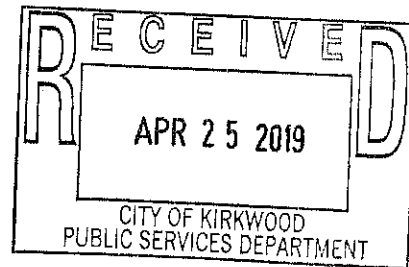
Dear Planning and Zoning Commission,

Gelato Di Riso is a family owned business currently located on The Hill in St. Louis, Missouri. Our goal is to allow people to experience the culture of Northern Italy right here at home. Expanding our business and opening a store in Kirkwood allows us the opportunity to provide for more people in the area. Our hopes are to get involved in the community and bring happiness to many. Our gelato is one of a kind and contains less air than American ice cream, making it more velvety in texture and rich in flavor. The new store will mainly be focused on serving gelato, italian coffees, and small pastries. We will be open seven days a week from 7:30am-10:30pm. There will be six to eight employees total and two people working together per shift. There will be approximately four to five small tables inside and depending on space we would like to have two tables outside.

Sincerely,



Larry Fuse, Jr.



Harrison Hill  
151 W. Jefferson Ave.  
Kirkwood, MO 63122  
314-221-8379 or 314-497-3301

May 8, 2019

Dear Sir or Madam:

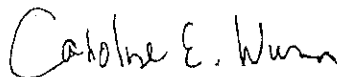
In regards to the lessee of 151 W. Jefferson Ave. the lease includes three parking spots: the northern 2 diagonal spots on the adjacent parking lot and 1 spot behind the building. After the lessee at 157 W. Jefferson (Christian Science Reading Room) is closed (4 p.m Monday-Friday and 1:00 p.m. on Saturday) this lessee may use the additional three diagonal-facing spots.

Please feel free to contact either of us if you have any further questions.

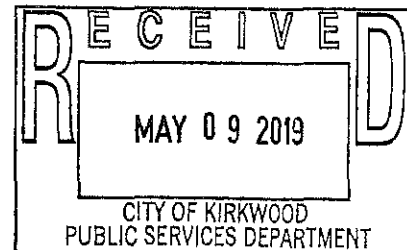
Sincerely,



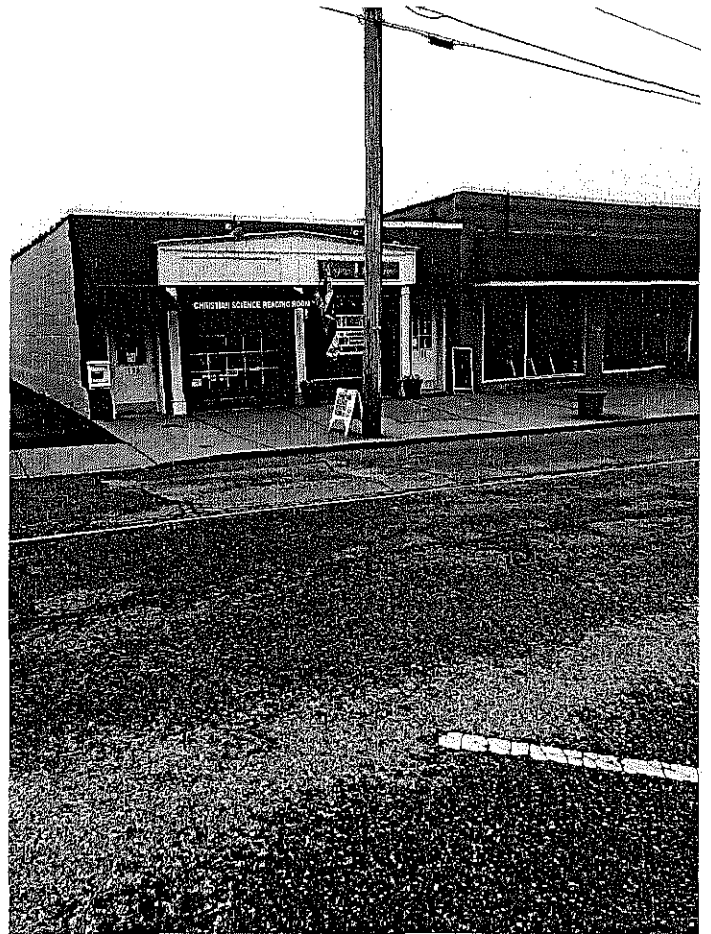
Pamela J. Debandt



Caroline E. Wurm



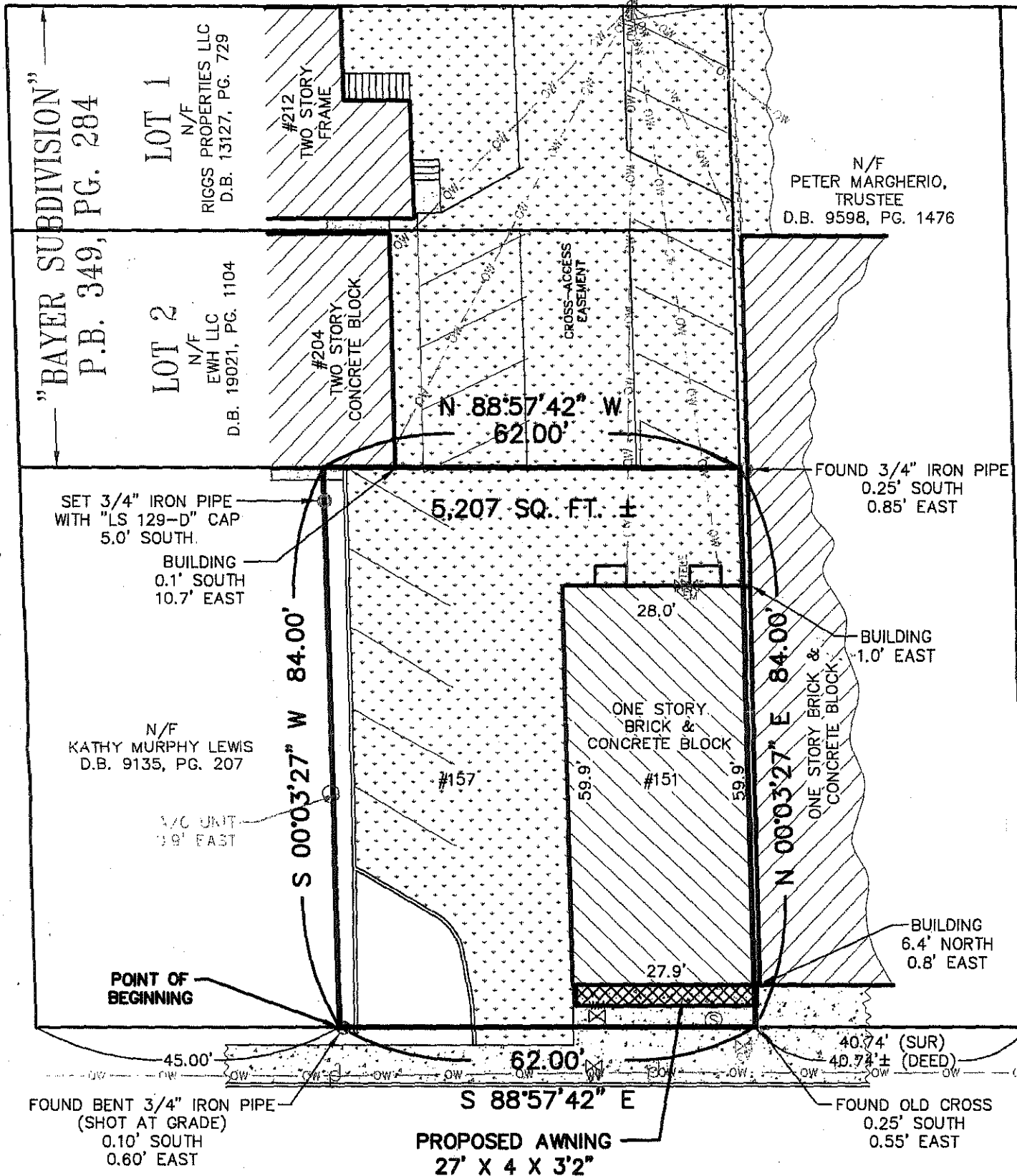




# "AWNING EXHIBIT"

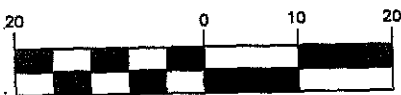
**ALLEY (14'W.)**

**NORTH CLAY (60'W.) AVENUE**

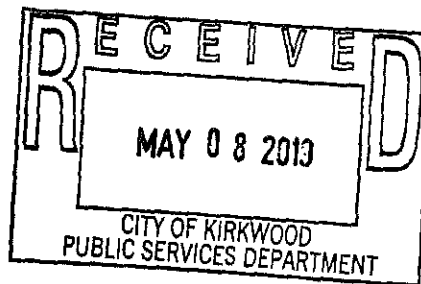


**WEST JEFFERSON (60'W.) AVENUE**

GRAPHIC SCALE



( IN FEET )  
1 inch = 20 ft.

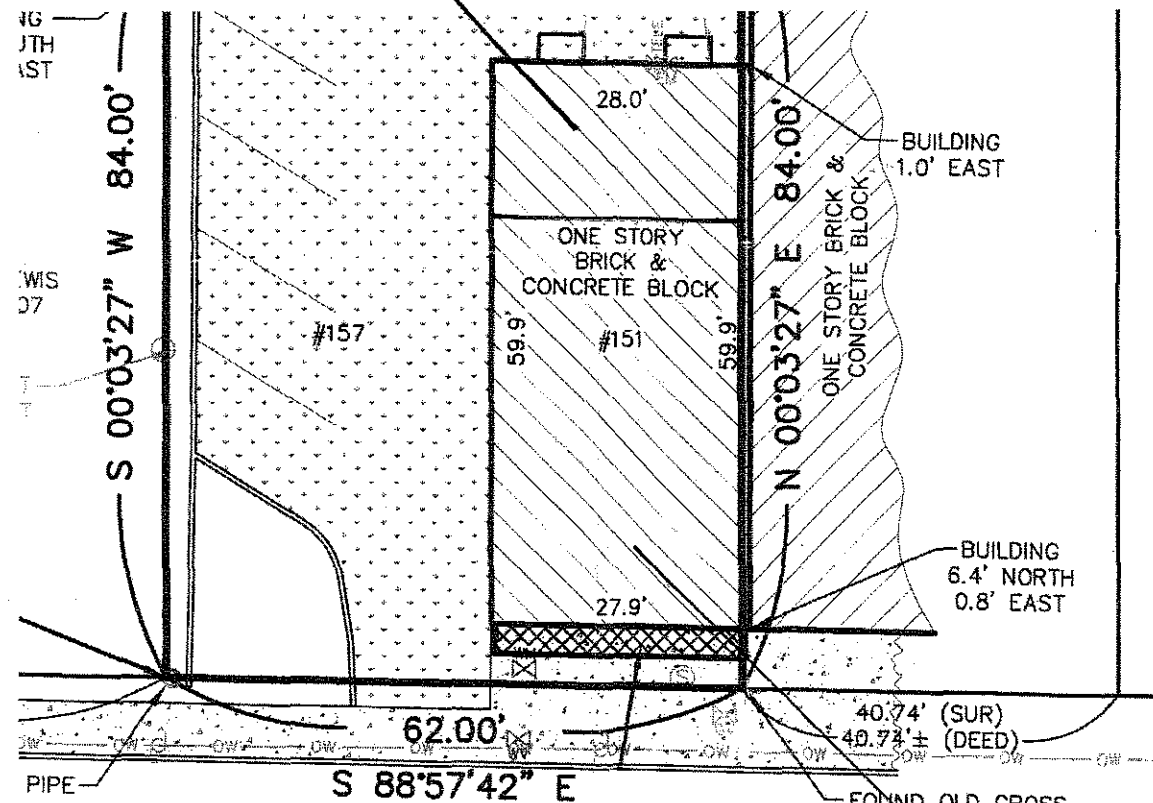


*Handwritten signature*

**JAMES SURVEYING CO., INC.**  
 10811 BIG BEND BOULEVARD  
 KIRKWOOD, MO 63122  
 PHONE: (314) 822-1006; FAX: (314) 822-0006

PROJECT NAME:	AWNING EXHIBIT	
PROJECT ADDRESS:	151 W. JEFFERSON AVE., KIRKWOOD ST. LOUIS COUNTY MISSOURI	
REVISED:	DATE: 09-21-2012	ORDER NUMBER
ORIGINAL CERTIFICATE LICENSE NUMBER 000129	FIELD WORK: CW DRAWN BY: NLO	201537

*Storage & employee usage*



**WEST JEFFERSON (60' W.) AVENUE**

*Gelato service & customers*

RECEIVED  
APR 25 2019  
CITY OF KIRKWOOD  
PUBLIC SERVICES DEPARTMENT

# ***THE CONSENT AGENDA IS ATTACHED***

- a) Approval of the May 16, 2019 City Council Meeting Minutes
- b) Resolution 80-2019, authorizing an application for use of Community Development Block Grant Funds for the fiscal year 2020 and allocation of said funds (\$46,800)
- c) Resolution 81-2019, authorizing the Chief Administrative Officer to enter into a Collective Bargaining Agreement with the Local Union No. 2665 of the International Association of Firefighters through December 31, 2021
- d) Resolution 82-2019, appointing members to the Library Board
- e) Resolution 83-2019, appointing members to the Arts Commission
- f) Resolution 84-2019, endorsing St. Louis County's Grant Program for the City of Kirkwood's waste reduction efforts
- g) Resolution 85-2019, amending and readopting the City of Kirkwood City Fee Schedules relating to ambulance, building permits, parks and recreation user fees and utilities
- h) Resolution 87-2019, amending the contract with N.B. West Contracting Co., by increasing the contract amount for 2019 Ultra-Thin Bonded Asphalt Wearing Surface (increase by \$186,262 for a not to exceed amount of \$552,936.80)
- i) Resolution 88-2019, amending the contract with Ford Asphalt Co., by increasing the contract amount for 2019 Asphaltic Concrete Overlays (increase by \$220,000 for a not to exceed amount of \$880,000)

RESOLUTION 80-2019

A RESOLUTION AUTHORIZING AN APPLICATION FOR USE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS IN THE AMOUNT OF \$46,800 FOR THE FISCAL YEAR 2020 AND ALLOCATION OF SAID FUNDS.

WHEREAS, it is estimated that the City of Kirkwood will receive Community Development funds in the amount of \$46,800 for the year 2020.

WHEREAS, the Council of the City of Kirkwood, after due publication of notice, will conduct a public hearing on the 16<sup>th</sup> day of May 2019, regarding the annual Community Development Block Grant application for 2020, and

WHEREAS, under the St. Louis County/City of Kirkwood Cooperative Agreement, the City is eligible an allocation of CDBG funds administered through St. Louis County Community Development, to assist in Community Development activities, and

WHEREAS, given the amount and complexity of the administrative burden on the city required by CDBG regulations for administering program funds, staff recommends the entire allocation of 2020 funds in the amount of \$46,800 be dedicated to the home improvement program for the year 2020, and that St. Louis County administer the program on behalf of the City of Kirkwood.

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

SECTION 1. The City is hereby authorized to apply for and allocate \$46,800 of the 2020 Block Grant Funds for home improvement programs managed by St. Louis County.

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

PASSED AND APPROVED THIS DAY OF.

\_\_\_\_\_  
Mayor, City of Kirkwood

ATTEST:

\_\_\_\_\_  
City Clerk

# Legislation Request

## Resolution

Place On The Agenda Of: 6/6/2019

### Step #1:

Strategic Plan NO

Goal # & Title

### Background To Issue:

Under the St. Louis County/City of Kirkwood Cooperative Agreement, the City is eligible for an allocation of Community Block Grant Funds in the amount of \$46,800 administered through St. Louis County Community Development to assist in Community Development activities.

### Recommendations and Action Requested:

Approve a resolution authoring an application for use of Community Development Block Grant Funds in the amount of \$46,800 for fiscal year 2020.

### Alternatives Available:

Cost: \$0.00

Account #: 000000

Project #:

Budgeted: YES

If YES, Budgeted Amount: \$0.00

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

### Department Head Comments:

BY: Laurie Asche


Date: 5/6/2019

Authenticated: aschelb

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

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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:



Date:

5-10-19

# PROCEDURE FOR PUBLIC HEARING

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

**Allocation of \$46,800 in Community Development Block Grant funds which will become available after January 1, 2020**

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?

**Assistant Chief Administrative Officer Georgia Ragland**

Mayor: Georgia, 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.





## PUBLIC NOTICE

The City of Kirkwood will hold a public hearing to discuss the allocation of \$46,800 in Community Development Block Grant funds which will become available after January 1, 2020. The public hearing will be held at 7:00 p.m. on May 16, 2019, at 139 S. Kirkwood Road, Kirkwood MO 63122. To further its commitment to fair and equitable treatment of all citizens the City of Kirkwood has enacted and/or enforces the following:

*A Fair Housing Ordinance* prohibiting unlawful discrimination against any person because of race, sex, color, religion, disability, familial status or national origin.

*A Policy of Nondiscrimination on the Basis of Disability* in the admission or access to, or employment in, its federally assisted programs or activities.

*A Policy of Equal Opportunity to Participate in Municipal Programs and Services* regardless of race, color, religion, sex, age, disability, familial status, national origin, or political affiliation.

*A requirement for bidding on CDBG activities that promotes* employment opportunities created by HUD funding and that these opportunities be afforded low-income community residents and businesses.

If you would like information regarding the above policies or if you believe you have been unlawfully discriminated against, contact the following municipal official or employee who has been designated to coordinate compliance with equal employment opportunity requirements referenced above. Additionally, if you are unable to attend the public hearing, you may provide written comments regarding the Community Development Block Grant Program to the following municipal official:

Georgia L. Ragland  
Asst. Chief Administrative Officer  
City of Kirkwood  
139 S. Kirkwood Road  
Kirkwood, MO 63122  
314-822-5801

If you are a person with a disability or have special needs in order to participate in this public hearing, please contact Laurie Asche no later than May 16, 2019.

For more information call: 314-822-5802 VOICE or 314-822-5858 TDD.  
1-800-735-2466 RELAY MISSOURI VOICE, 1-800-735-2966 RELAY MISSOURI TDD  
Equal Opportunity Employer

# AFFIDAVIT OF PUBLICATION

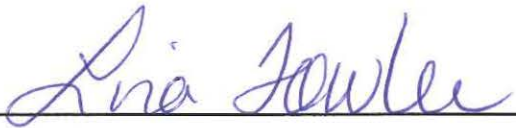
STATE OF MISSOURI  
COUNTY OF ST. LOUIS

} S.S.

Page 1 of 2

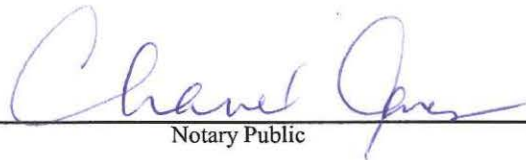
Before the undersigned Notary Public personally appeared **Lisa Fowler** on behalf of **THE COUNTIAN, ST. LOUIS COUNTY** who, being duly sworn, attests that said newspaper is qualified under the provisions of Missouri law governing public notices to publish, and did so publish, the notice annexed hereto, starting with the **April 02, 2019** edition and ending with the **April 02, 2019** edition, for a total of 1 publications:

04/02/2019



Lisa Fowler

Subscribed & sworn before me this 2<sup>nd</sup> day of Apr, 2019  
(SEAL)



Notary Public

CHANEL JONES  
Notary Public - Notary Seal  
State of Missouri  
Commissioned for St Louis County  
My Commission Expires: August 08, 2022  
Commission Number: 14397721

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Georgia L. Ragland  
Asst. Chief Administrative Officer  
City of Kirkwood  
139 S. Kirkwood Road

# AFFIDAVIT OF PUBLICATION

Page 2 of 2

Kirkwood, MO 63122  
314-822-5801

If you are a person with a disability or  
have special needs in order to  
participate in this public hearing,  
please contact Laurie Asche no later  
than May 16, 2019.

For more information call:

314-822-5802 VOICE or

314-822-5858 TDD.

1-800-735-2466

RELAY MISSOURI VOICE,

1-800-735-2966

RELAY MISSOURI TDD

Equal Opportunity Employer  
11724248 County Apr. 2, 2019



## AFFIDAVIT OF PUBLICATION

**City of Kirkwood**

Attn: Laurie Asche  
City Clerk  
139 S. Kirkwood Rd.  
Kirkwood, MO 63122

I, Terry Cassidy, verify that the attached Public Hearing  
Notice was published in the Webster-Kirkwood Times on  
March 29, 2019.

  
Advertising Consultant



## PUBLIC NOTICE

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Georgia L. Ragland  
Asst. Chief Administrative Officer  
City of Kirkwood  
139 S. Kirkwood Road, Kirkwood, MO 63122  
314-822-5801

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Equal Opportunity Employer

RESOLUTION 81-2019

A RESOLUTION AUTHORIZING THE CHIEF ADMINISTRATIVE OFFICER TO ENTER INTO A COLLECTIVE BARGAINING AGREEMENT WITH THE LOCAL UNION NO. 2665 OF THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS THROUGH DECEMBER 31, 2021.

WHEREAS, the City of Kirkwood and the bargaining unit of the International Association of Firefighters have come to an agreement in relation to accepting a Collective Bargaining Agreement, and

WHEREAS, as required the City has completed a collective bargaining agreement with them which the union membership has ratified, and

WHEREAS, City Council authorization is needed prior to the Chief Administrative Officer entering into the agreement.

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

SECTION 1. The Chief Administrative Officer is hereby authorized to enter into a collective bargaining agreement with the Local Union No. 2665 of the International Association of Firefighters (a copy of which is attached hereto and incorporated by reference herein) for the Kirkwood Fire Department through December 31, 2021.

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

PASSED AND APPROVED THIS 6<sup>TH</sup> DAY OF JUNE 2019.

\_\_\_\_\_  
Mayor, City of Kirkwood

ATTEST:

\_\_\_\_\_  
City Clerk

# Legislation Request

## Resolution

Place On The Agenda Of: 6/6/2019

Step #1:

Strategic Plan NO Goal # & Title

### Background To Issue:

The City and the bargaining unit of International Association of Firefighters, after lengthy negotiations, have come to an agreement in relation to accepting a Collective Bargaining Agreement (CBA). This CBA would be in effect June 6, 2019 through December 31, 2021. The purpose of this CBA is to achieve and maintain harmonious relations between the Employer and the Union; to provide for equitable and peaceful adjustment of differences which may arise, and to establish terms and conditions of employment for those employees in the bargaining unit.

### Recommendations and Action Requested:

The recommendation of this legislative request is to allow the council to authorize the Mayor to enter into the Collective Bargaining Agreement with IAFF of the Kirkwood Fire Department.

### Alternatives Available:

No

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

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

### Department Head Comments:

All proposed changes and differences to the current MOU were presented by Curt Calloway, Georgia Ragland, and Chief Silvernail at the May 9 Council Work Session.

BY: James Silvernail

Date: 5/28/2019

Authenticated: silverjl

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



SLDOCS01-#2211284-v16-  
City\_of\_Kirkwood\_Firefighter\_  
Union\_-  
Collective\_Bargaining\_Agreem  
ent\_.DOC  
Microsoft Word 97 - 2003  
Document  
240 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**).

Select...

From Account # or Fund Name:

To Account # or Fund Name:

Finance Director's Comments:

BY: Select...

Date:

Authenticated:

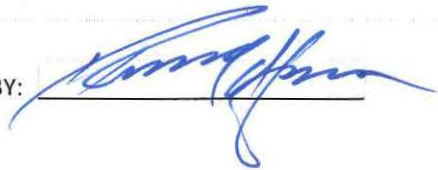
Step #4: All Requests Require Chief Administrative Officer Approval for Placement on Meeting Agenda.

Approve

Diasapprove

Chief Administrative Officer's Comments:

BY:



Date:

5-31-19



COLLECTIVE BARGAINING AGREEMENT

BETWEEN

CITY OF KIRKWOOD

AND

LOCAL 2665 OF THE  
INTERNATIONAL ASSOCIATION OF  
FIREFIGHTERS

Effective June 6, 2019 through December 31, 2021

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## PREAMBLE

This Collective Bargaining Agreement is entered into by and between the City of Kirkwood on behalf of the City's Fire Department, hereinafter sometimes referred to as the Employer or City, and Local 2665, International Association of Firefighters, hereinafter referred to as the Union. It is the purpose of this Collective Bargaining Agreement to achieve and maintain harmonious relations between the Employer and the Union; to provide for equitable and peaceful adjustment of differences which may arise, and to establish terms and conditions of employment for those employees in the bargaining unit.

Article 1.01

**RECOGNITION OF BARGAINING UNIT**

The City recognizes the Union as the sole and exclusive bargaining agent for employees holding the rank of Firefighter, Firefighter/Paramedic and Engineer, all of which shall constitute the bargaining unit. The Union shall have one (1) representative designated in writing by the Union in advance who shall have the same authority as the shop/assistant steward in the event the shop/assistant steward is unable to be contacted, as elected on each shift to assist in any Union business.

Article 1.02

**EEO NON-DISCRIMINATION**

The City and the Union agree that there will be no discrimination against any employee because of race, color, genetic information, pregnancy, sex, national origin, ancestry, age, religion, disability unrelated to the ability to perform essential job functions or sexual orientation or gender identity to the extent protected by state or federal law.

Article 1.03

**CREDIT UNION DEDUCTION FOR UNION DUES**

A credit union deduction shall be made by the City for union dues provided such request by the individual employee is in writing and meets the other guidelines as set forth between the Union, the City, and the Credit Union. No bargaining unit employee shall be obligated to become, remain or refrain from becoming a member of the Union or to pay any dues, fees, assessments or other similar charges, however denominated, of any kind or amount to the Union as a condition of employment or continuation of employment with the City.

The Union shall warrant and defend, indemnify and hold the City harmless from and against any and all claims, demands, suits, damages or other forms of liability, including expenses, court costs and attorney's fees, that may arise out of or by reason of any actions taken or not taken by the City in reliance upon certification provided by the Union to the City pursuant to the provisions of this section or in reliance upon any other information provided by the Union to the City, including signature cards and lists of members, which are provided for the purpose of complying with any of the provisions of this section.

Article 1.04

**UNION REPRESENTATION**

An employee will have the right to have Union representation at any investigative meeting, if requested, when such meeting may be reasonably likely to lead to disciplinary action against such employee.

Article 1.05

**SHOP MEETINGS**

Upon reasonable advance notice to the Fire Chief, all equipment will be allowed to move into one engine house, to conduct Union shop meetings, provided there is no interference with scheduled activities or operations of the Fire Department. Shop meetings will be limited to a maximum of one hour in length, unless extended by the Fire Chief at the Fire Chief's sole discretion, and three per month.

Article 1.06

**BULLETIN BOARDS**

The City agrees to furnish and maintain a suitable bulletin board in a convenient place in each station to be used by the Union. The Union will limit its posted notices and bulletins to such bulletin boards, removable only by the shop steward or shift representatives.

Article 1.07

**UNION ACTIVITY NON-DISCRIMINATION**

There shall be no discrimination, interference, restraint, or coercion by the City, Fire Department Management or their representatives, against any employee for his or her activity or inactivity, on behalf of or membership in the Union.

Article 1.08

**UNION BUSINESS**

Employees elected or appointed to represent the Union shall be granted time to perform their Union functions concerning and or in conjunction with the City without pay, provided that one employee on duty shall be entitled to attend negotiation meetings to discuss the terms and conditions of employment in connection with any Collective Bargaining Agreement. The Union Shop Steward shall be granted time, if on duty, for all Union Local #2665 meetings and/or shop meetings if minimal manning is met and any such meeting does not cause overtime. The need to request such time will be coordinated at the earliest

possible date with the Duty Officer. Other than the activity which is specifically authorized in this Collective Bargaining Agreement, no Union business shall be conducted on City property or during working hours. This Article is not intended to unduly restrict general communications among employees regarding the Union or negotiations or to limit the Union's access to City property which is available to other City employees or organizations.

Article 1.09

### **LABOR MANAGEMENT COMMITTEE**

There shall be a joint Labor Management Committee consisting of no more than three Union representatives and three City representatives. The Union shall select the Union representatives. Equal number of Union and City representatives are not required. The goals of the joint committee shall be as follows:

1. Meet upon mutually agreeable dates with a recognized goal of meeting at least semiannually to discuss all matters of mutual concern, specifically including matters of health and safety. The committee shall meet at the request and agreement of all committee members. Labor management committee meeting time shall be considered hours of work for the Union committee members provided, however, that any meeting should be held to minimize overtime obligations of the City. An agenda for any labor management committee meeting shall be presented to each party no later than five days prior to the agreed upon meeting date.
2. Make periodic inspections of the Fire Department facilities, apparatus, protection equipment, protection clothing, and devices to review work methods and conditions, including training procedures at least once a year.
3. Make written recommendations for the correction of hazardous conditions or unsafe work methods, which come to its attention. All recommendations shall be forwarded to the Fire Department officials responsible for providing a safe and healthy work place.
4. Review and analyze all recommendations by the Safety Committee and Safety Manager to modify and add rules and procedures to promote the avoidance of accidents and incidents.
5. Submit all other agreed upon recommendations concerning labor-management relations to the shop steward and to the City for their mutual consideration. All recommendations of the committee are advisory only. All decisions by the City on recommendations

submitted and considered shall be reduced to writing and provided to the committee within a reasonable period of time. The Union representatives on the committee shall be responsible for providing any such decisions to other employees.

Article 2.01

**PROBATION**

All new employees will serve a probationary period with the Fire Department for twelve calendar months.

Union representation will be available after completion of the probationary period.

Article 2.02

**WAGE RATES**

The wage rates of the bargaining unit employees shall be determined in accordance with the City's pay and classification ordinance, retroactive to October 1, 2018. The City agrees to annually review the pay ranges and to update the Union regarding any proposed pay ranges under consideration.

Article 2.03

**DIRECT DEPOSIT OF PAYCHECKS**

All employees shall be required to have their paychecks direct deposited electronically. All employees shall be paid in bi-weekly installments by direct deposit into a single account at a financial institution designated by the employees.

Article 2.04

**OVERTIME**

In the event a need for voluntarily working an unscheduled shift or to work beyond a scheduled 24-hour shift occurs in the Fire Department ("Voluntary Overtime"), such Voluntary Overtime shall be determined by the City. The City shall make reasonable efforts to distribute Voluntary Overtime evenly, subject, however, to the guidelines established by the Chief Administrative Officer. Voluntary Overtime will start after 6 months of employment with the averaging of hours and placing the employee on the overtime list at that hour mark. Voluntary Overtime hours will be averaged for any employee returning from sick leave, Occupational Injury Leave, other medical leave, military leave or absence due to disciplinary action, any of which is greater than five (5) shift days. The averaging



will be done in the following manner: All Voluntary Overtime hours given out during the time period in which the employee is on such sick leave, Occupational Injury Leave, other medical leave, military leave or absent due to disciplinary action, will be totaled and divided by the total number of employees that accepted Voluntary Overtime during that same period. These calculations will be documented and a copy will be provided to the affected employee at the employee's written request. An employee will be entitled to accept Voluntary Overtime during a scheduled vacation so long as written notice is provided to the City specifying the dates available during scheduled vacation. Such notice must be provided at least seven days prior to the commencement of the vacation period.

Approved accrued compensatory time use, paid vacation leave and paid funeral leave shall be considered "hours worked" for purposes of any overtime calculation. Sick leave shall not be counted as hours worked for purposes of any overtime calculation. All overtime compensation shall be governed by the partial exemption provisions of the Fair Labor Standards Act governing fire protection service employees, except as otherwise provided in this Article. Employees shall be entitled to overtime compensation at the rate of 1 and ½ times each employee's regular hourly rate of compensation for all Scheduled Overtime hours worked in excess of 212 in a 28-day work cycle, in accordance with the Fair Labor Standards Act partial exemption governing fire protection service employees. Each employee's regular hourly rate of compensation shall be determined by dividing each employee's annual salary by 2912 (the number of total scheduled hours on an annual basis). The overtime provisions of this paragraph shall be effective for the first 28-day work cycle starting after this Collective Bargaining Agreement has been adopted by the City Council.

Notwithstanding the foregoing paragraph, regardless of the number of hours worked during the 28 day work cycle: (a) all Voluntary Overtime hours worked and hours worked in excess of any 24-hour tour of duty will be paid at one and one-half times the employee's regular rate of pay as an Overtime Premium; (b) Employees that are required to accept a MANDATORY assignment shall be paid an Overtime Premium at the rate of 1.75 times the regular rate of pay; and (c) Employees shall be entitled to double time as an Overtime Premium for hours worked due to being called in on either Thanksgiving, Christmas or involuntarily called in while on previously approved vacation. For purposes of this paragraph, vacation will include all days following the last scheduled shift and preceding the first scheduled shift after the scheduled vacation.

#### **Definitions**

A Voluntary Overtime shift shall be defined as any shift, previously unscheduled, voluntarily worked at the firehouse or any hours worked voluntarily beyond a scheduled 24-hour shift. Overtime worked at a special event shall not impact an employee's standing on the Voluntary Overtime list. Voluntary Overtime will be paid at 1½ times the employee's regular rate.

A Mandatory Overtime shift shall be defined as any occurrence that requires an employee to be called into, or remain at the firehouse without his consent for greater than two hours. Mandatory Overtime will be paid at 1¾ times the employee's regular rate of pay.

Scheduled Overtime shall be defined as the shift hours scheduled by the City. Voluntary Overtime eligibility will start after 6 months of employment utilizing the formula consisting of the addition of the total Voluntary Overtime hours by all employees averaged by the total number of employees.

**Voluntary Overtime:**

The Voluntary Overtime list shall remain in effect for one calendar year, and shall reset each January 1st.

In the event that scheduled time off and/or unscheduled absences result in staffing levels dropping below the 15 person minimum, Voluntary Overtime will be offered utilizing the paging system.

**Mandatory Overtime:**

The Mandatory Overtime list will reset each year on January 1. It will begin with the least senior person and proceed through the entire roster as hours accumulate.

Mandatory Overtime will occur in the event that no one volunteers for overtime by the deadline identified in the text/page or other communication of the need for Voluntary Overtime, and on-duty staffing falls below fifteen people. Mandatory Overtime will be distributed by working up the roster from the least number of mandatory overtime hours to the most mandatory overtime hours, of the off going crew.

Mandatory Overtime shall be offered in 12 hour blocks. If one of these employees elects to work the entire 24 hour shift they shall be paid 24 hours at the Overtime Premium rate of 1.75 times the regular rate of pay.

In the event that extenuating circumstances make it impossible for someone to work an assigned Mandatory Overtime shift, the next person up the roster may be assigned the Mandatory Overtime.

**Shifts:**

A shift period shall be the 48 hour period associated with the AA/BB/CC work schedule. A shift day is a 24-hour consecutive work period normally starting at 0800 hours and ending 24 hours later.

**Non-Scheduled Work:**

An employee who has been called in and reports to duty to work hours which are

not continuous with scheduled work hours, or who stays past his or her scheduled work hours for non-emergency departmental operations shall be guaranteed a minimum of four (4) hours compensation at one and one-half (1-1/2) times the employee's regular hourly rate of compensation as calculated in this Article 2.04. An employee who works additional hours due to responses to emergency calls beyond the employee's scheduled work hours shall not be guaranteed any minimum number of overtime compensation hours but, rather, such employee shall be paid overtime at the rate of one and one-half (1-1/2) times the employee's regular rate of compensation only for the actual hours worked beyond the regularly scheduled shift for such employee.

Article 2.05

**HOLIDAY PAY**

As a fringe benefit, employees shall receive 12.0 hours of holiday pay for each City holiday regardless of whether the employee works on such City holiday. Effective for calendar year January 1, 2020 through December 31, 2020 and each calendar year thereafter, each individual employee may elect in writing for all such holiday pay to be paid in a lump-sum amount no later than December 31 for the calendar year in which such holidays have occurred. Any employee making such an election for payment in a lump-sum amount for all holidays during each such calendar year must make a written election for payment of a lump-sum amount for all such holidays no later than December 1 for the subsequent calendar year in which such holidays shall occur. Such written election must be provided in writing to the Fire Chief no later than the December 1 deadline set forth herein. Payment for such holidays shall not count toward "hours worked" for overtime purposes. New hires within the Fire Department shall receive such holiday pay for City holidays which have occurred during any such new hire's employment for less than a full calendar year.

Article 2.06

**VACATION LEAVE**

Vacation entitlement shall be as follows:

Less than 1 year	3 shift days
1 year but less than 5 years	6 shift days
5 years but less than 10 years	8 shift days
10 years but less than 17 years	10 shift days
17 years and thereafter	12 shift days

A vacation list will be posted as close to September 1 of each year as possible. Employees will be given two weeks notice prior to the posting of the schedule.

It shall be the responsibility of personnel to pick 48-hour blocks of vacation time. 48-Hour shift block shall be defined as back to back 24 hour shift days that align in the AA/BB/CC shift calendar. Vacation picks shall be performed by using the vacation policy currently in place as of the effective date of this Collective Bargaining Agreement.

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, including deduction of such amount from the employee's final paycheck. In the event that an employee dies, terminates, retires, is discharged, or otherwise separates employment with the City without taking all accrued vacation leave, such employee shall be compensated for unused, accrued vacation leave accrued up to the maximum allowed accrual to the date of separation.

Vacation leaves will generally be granted as set forth herein, provided approval is given by the Fire Chief. The Fire Chief shall schedule or approve vacation leaves taking into consideration the operating requirements, order of request, and seniority of employees.

Article 2.07

#### **PROFESSIONAL LICENSE FRINGE BENEFIT PAYMENT**

Those employees who hold a State EMT or Paramedic license will receive a lump-sum payment as a fringe benefit, unrelated to any hours worked, from the City at the time of relicensing equivalent to \$22.00 per required Continuing Education Unit, up to a maximum of 100 CEU's for EMT's and 144 CEU's for Paramedics.

Such a relicensing payment is for the upcoming 5 year Paramedic or EMT license. Employees who renew their paramedic's license after it is no longer a job requirement will also receive such a fringe benefit payment. Payment for relicensing, which occurs prior to the expiration date of the prior license, will be paid at the time that the prior license expires. The employee shall provide the Fire Chief with a copy of his/her Missouri State paramedic's license or State EMT license to receive the financial incentive.

Those employees severing their employment with the City, or relinquishing their State EMT or Paramedic license prior to fulfilling the license period will be subject to a payback of the relicensing payment calculated as a monthly pro-rated amount over the five year period. The payback will be deducted from the

employee's final paycheck from the City (if employment terminates) or deducted from the paycheck for the pay period following relinquishment of the State EMT or Paramedic License if employment continues. Any amount that exceeds the employee's final paycheck will be paid to the City within 30 days of the employee's last day of employment.

The City agrees to pay registration costs for the following classes:

- Advanced Cardiac Life Support
- Pre-Hospital Trauma Life Support
- Pediatric Advanced Life Support
- or applicable equivalent classes within those areas as approved by the Deputy Chief/EMS Officer

For avoidance of doubt, any time spent by employees for attending any required classes for relicensure while off duty will not be compensated and will not be considered hours worked.

#### Article 2.08

##### **TUITION REIMBURSEMENT**

Unit employees shall be provided tuition reimbursement benefits in accordance with the Tuition Reimbursement Policy then in effect for all employees as set forth in the Personnel Rules and Regulations for the City of Kirkwood.

#### Article 2.09

##### **STATION WEAR**

All fire station apparel required of employees in the performance of their duties (the "Station Wear") shall be approved and furnished by the City without cost to the employees and maintained by the employee in good, safe condition. The annual per person Station Wear allowance will be \$650 in fiscal year 2017/18 subject to funding availability. New employees will have all Station Wear purchased by the City upon start of employment and will not receive any Station Wear allowance in their first year of employment. All new employees are required to enter into a Financial Reimbursement Agreement, in the form of Attachment B, relating to repayment obligations for Station Wear and Turn Out Gear.

The date on which employees shall begin to spend their yearly Station Wear allowance shall be May 1. The date on which employees shall cease any Station Wear allowance spending shall be February 15.

Article 2.10

**PROTECTIVE CLOTHING/TURN OUT GEAR**

The City shall furnish and thereafter maintain at no cost to the employee all respiratory apparatus, gloves, helmets, and structural firefighting clothing required and certified by appropriate industry standards and all other equipment as deemed appropriate by the Labor Management Committee established pursuant to Article 1.09 of this Collective Bargaining Agreement (the "Turn Out Gear"). Only personnel who have been trained and certified by the manufacturer or applicable federal agency shall be permitted to perform maintenance and/or repairs on self-contained breathing apparatus.

All new employees will be fitted with new Turn Out Gear. All new employees are required to enter into a Financial Reimbursement Agreement, in the form of Attachment B, relating to repayment obligations for Turn Out Gear and Station Wear. The City and Union acknowledge that the current cost of the Turn Out Gear referenced in Attachment B is approximately \$2,300.00 but the actual cost may vary during the term of this Agreement. The actual cost of such Turn Out Gear at time of purchase for any new hire shall be identified in the Financial Reimbursement Agreement for each new hire of the City.

Article 2.11

**PAYROLL REQUIREMENTS**

The City intends to maintain the pay classifications of Firefighter/EMT, Fire Engineer, and Firefighter/Paramedic although it reserves the right to establish or change classifications within the Fire Department, as it deems appropriate. It is the City's intention to hire only Firefighter/Paramedics for all current and future entry level position openings.

Article 2.12

**CERTIFICATION FRINGE BENEFIT PAYMENTS**

The City will make a lump-sum payment no later than the first pay period in May as a fringe benefit, unrelated to any hours worked, for employees holding the following certifications, in the amount indicated:

HazMat Technician level Certification - \$2,000. The maximum number of Technicians that will receive such Certification fringe benefit is set at 15 employees.

Fire Investigator level Certification - \$1,000. The maximum number of Fire Investigators that will receive such Certification fringe benefit is set at 6 employees.

Article 2.13

**FIRE ENGINEER PARAMEDIC LICENSE FRINGE BENEFIT**

Fire Engineers that are required by Article 4.10 to retain their State Paramedic License and the current Firefighter/EMT with a paramedic license so long as she retains her paramedic license shall receive an annual lump-sum payment of \$2,500 as a fringe benefit, unrelated to any hours worked, for retaining a Paramedic License. Such payment shall be made in May of each year.

Article 2.14

**MINIMUM STAFFING**

It is the City's intent to maintain a minimum daily staffing level of fifteen (15) personnel per day. When no off-going shift personnel are available (as in the second day of a 48 hour shift) and filling the vacancy for the voluntary overtime system was unsuccessful, Emergency Staffing will be temporarily implemented with fourteen (14) personnel.

Article 2.15

**WORKING OUT OF CLASSIFICATION**

In the event that a captain or fire engineer is absent, out-of-rank pay will commence on the first shift day to all employees working out-of-rank to fill the vacancy. Firefighters and firefighter/paramedics who work out-of-rank as a fire engineer will receive an additional \$1.10 per hour. Firefighters, fire engineers, and firefighter/paramedics who work out-of-rank as a fire captain will receive an additional \$2.10 per hour.

Article 2.16

**SICK LEAVE/BUY BACK/VACATION BONUS**

Employees shall accrue and use sick leave in accordance with City policy in the Personnel Rules and Regulations of the City of Kirkwood. Provided, however, an employee that does not utilize any sick leave during the calendar year will be given one additional 24 hour shift of vacation time the following January 1<sup>st</sup> (the "Bonus Vacation Day"). The Bonus Vacation Day is earned annually and must be re-earned each calendar year.

As a Sick Leave Buy Back Option, employees that have accrued 1456 hours of total sick leave as of December 31<sup>st</sup> and have not used any sick leave during the

calendar year may sell back up to (6) days (144 hours) at 50% of their value. Employees that have accrued 1456 hours of total sick leave during the calendar year and have used no more than 24 hours may sell back four (4) days (96 hours) at 50% of their value. Employees that have accrued 1456 hours of total sick leave during the calendar year and have used no more than 48 hours may sell back up to two (2) days (48 hours) of sick leave at 50% of their value. Such Sick Leave Buy Back Option is earned annually and must be re-earned each calendar year. 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 the written request. An employee may utilize a vacation day in lieu of a sick leave day if all other department vacation rules apply.

Article 2.17

**FAMILY AND MEDICAL LEAVE**

All employees shall be subject to the Family and Medical Leave policy in effect for City employees as set forth in the City's Personnel Rules and Regulations.

Article 2.18

**BEREAVEMENT LEAVE**

In the event of the death of an immediate family member (i.e. spouse, child, mother, father, sister, brother, grandmother, grandfather, step-parents, step-grandparents), a regular full-time employee shall be granted 1 48-Hour shift period of paid leave to attend the funeral and tend to other related matters. In the event of a death in the employee's extended family (i.e. grandchild, aunt, uncle, father-in-law, mother-in-law, sister-in-law, brother-in-law, son-in-law and daughter-in-law), shift personnel shall be granted one (1) 24-hour shift day off with pay to attend the funeral. Other funeral and bereavement time may be granted at the discretion of the Fire Chief or his designee. Any payment made hereunder shall be at the employee's straight-time rate and shall not be charged to his or her vacation time, personal leave, comp time, or sick time.

Article 2.19

**PROFESSIONAL DEATH RECOGNITION**

In the event that a firefighter(s) in the St. Louis metropolitan area is killed in the line of duty, the U.S. flag at all three engine houses will be lowered to half-mast until after the burial of the firefighter(s). Flags will be lowered to half-mast only after notification has been made to the appropriate duty officer. Furthermore, at least one employee of the Kirkwood Fire Department will represent the



department at the funeral. The City agrees to provide transportation to the funeral.

Article 2.20

**CATASTROPHE LEAVE**

Employees may, with the written approval of their Department Head, be given three (3) scheduled 24-Hour 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 of the City, based on strict interpretation of these rules.

If catastrophe leave benefits are changed for all other City employees, then they shall likewise be changed for the personnel of the City of Kirkwood Fire Department.

Article 2.21

**JURY DUTY LEAVE**

An employee required to be available for jury selection or service shall receive his/her regular pay, less jury pay, for all time, which would have been worked, but for such jury participation, subject to a maximum of 10 days per calendar year. If the maximum period is extended for all other City employees, then it shall be extended for personnel of the City of Kirkwood Fire Department. Before receiving jury duty pay, the employee must present the check stub for fees received from the court for jury services. To be eligible for such pay, the firefighter, firefighter/paramedic, or fire engineer must turn jury duty notices into the Fire Chief upon receipt.

Article 2.22

**COURT LEAVE**

Leave with pay shall be granted by the City to any employee who is required by the City to appear at any court or administrative proceeding for official department business, whether as plaintiff, defendant, or as a witness. If the employee is required to appear during his or her off duty time, the employee shall be paid for a minimum of two hours at the overtime rate of pay. If the employee is

required to appear during employee's duty time, he or she, shall be excused from performance of his or her duties as to enable the employee to appear.

This Article will not apply when the employee testifies in his or her own behalf in actions against the City or for any court appearance in connection with a case to which the employee is a party, unless the City is also a party to such legal action and the interests of the City and the employee are aligned.

Article 2.23

**UNION BUSINESS LEAVE**

Employees elected or appointed to represent the Union shall be granted time to perform their Union functions concerning and or in conjunction with City without pay, provided that one employee shall be entitled to attend negotiation meetings with pay, to discuss the terms and conditions of employment in connection with any Collective Bargaining Agreement. Other than the activity which is specifically authorized in this Collective Bargaining Agreement, no Union business shall be conducted on City property or during working hours. This Article is not intended to unduly restrict general communications among employees regarding Union negotiations or to limit the Union's access to City property, which is available to other City employees or organizations.

Article 3.01

**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.
- 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 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.

Article 3.02

### **HEALTH BENEFITS**

The City shall provide health insurance benefits to Fire Department employees, including health, dental and vision (as may be in effect City-wide) on the same basis as provided for other City employees.

Article 3.03

**EMPLOYEE ASSISTANCE PROGRAM**

The City agrees to provide an Employee Assistance Program ("EAP") for all Fire Department employees in the same manner as provided for other City employees, to utilize in a confidential manner. The EAP will provide at a minimum, services designed to assist employees in the areas of drug, alcohol, and gambling addiction; psychological and emotional problems.

Article 3.04

**PENSION**

A pension plan and its funding and benefits (including disability insurance and life insurance) shall be in effect as established by City Ordinance.

Article 3.05

**DEFERRED COMPENSATION**

The City agrees to administer a deferred compensation plan for any Fire Department employee who so elects to participate, on the same basis as administered for other City employees.

Article 3.06

**POLICY AGAINST SUBSTANCE ABUSE**

All employees shall be subject to random substance testing consistent with the policies and procedures set forth in the "Additional Provisions Applicable To Certain Safety Sensitive Employees" in Article XX (Policy Against Substance Abuse) of the City's Personnel Rules and Regulations. For avoidance of doubt, no employee shall be required to submit to a random substance abuse test when any such employee is not scheduled for active duty with the City.

Article 4.01

**GRIEVANCE PROCEDURE**

**SECTION 1 Grievances and Complaints**

All classified employees shall have the right, except as specified herein or in the City's Personnel Rules and Regulations, to utilize the grievance and complaint procedures of this Article. The grievance and complaint procedures of this Article will be available only to classified permanent, full-time employees who are not

-serving a probationary period, whether imposed due to a new position or for disciplinary 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 non-discriminatory 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.

No employee, as a result of using the privileges of this Article, shall be subject to harassment, abuse, discipline, or discharge.

## SECTION 2 Procedures for Handling Grievances and Complaints

**STEP A** A grievance must be filed with the appropriate officials of the Union within seven (7) days of occurrence and, in the case of an individual's grievance, bear the individual's signature. The Union shall determine if a grievance exists. If it is determined that a grievance exists, the Union shall orally present the grievance to the Assistant Chief for resolution within seven (7) calendar days of the employee's filing of the grievance with the Union provided, however, that the seven (7) day limit may be extended upon application to the Assistant Chief Administrative Officer for good cause, such as an employee being absent from work due to vacation or approved leave of absence.

If the matter is not resolved through informal discussion, the matter shall be presented in writing to the Assistant Chief within five (5) working days of the grievance being orally presented. For the purpose of this Article, working days are defined as Monday through Friday, excluding holidays recognized by the City of Kirkwood. The Assistant Chief shall issue ~~in a~~ written response, indicating the decision and rationale therefore, within five (5) working days.

**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 Fire Chief within five (5) working days following receipt of the Assistant Chief'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 Fire Chief. 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 Fire Chief. The Fire Chief or his or her designee shall investigate and document the matter 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, 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 Fire Chief'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 receipt of the request, unless it is impracticable to do so in such a timeframe. The Chief Administrative Officer may delegate to the Assistant Chief Administrative Officer the responsibility for reviewing and responding to the appeal. The decision of the Chief Administrative Officer or his or her delegate shall be binding administratively with respect to any such grievance pursuant to the grievance procedure set forth herein.

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

Article 4.02

#### **DISCIPLINE AND DISCHARGE**

The City's Personnel Rules and Regulations policies in effect regarding Corrective Performance Improvement and Disciplinary Actions shall govern discipline and discharge of employees.

Article 4.03

**TRAINING/EXTREME WEATHER**

For the purpose of this Agreement, Extreme Weather shall be defined as temperature or Wind Chill below 25 degrees Fahrenheit, or a Heat Index or temperature above 95 degrees Fahrenheit as reported by the United States Weather Bureau (314-321-2222 or 636-441-8467). Employees will not be required to train outdoors in full PPE during Extreme Weather. If Extreme Weather occurs once training has already begun, or if sleet and icy conditions occur so as to make further training unsafe, it shall be the responsibility of the Union Shift Representative to contact the Company Officer who will notify the Duty Officer to advise him or her of the situation and request permission to discontinue training.

Article 4.04

**SANITATION / MAINTENANCE**

The City agrees to supply and make available all materials in the day-to-day maintenance and upkeep of all firehouses. The City furthermore agrees to supply all necessary items to maintain satisfactory sanitary conditions of all quarters within all firehouses. Professional extermination shall be performed at each engine house as needed, but not less than once annually.

Article 4.05

**SUPPLIES**

The City agrees to allow employees to obtain supplies and/or food while on duty, so long as there is no interference with scheduled activities or other Fire Department operations. All units and personnel must remain in full radio service at all times.

The City will continue to provide the following:

- a. all kitchen and eating utensils;
- b. all toilet paper, hand soap, paper and linen towels, anti-bacterial soap, and all other personal hygiene products currently supplied;
- c. all house cleaning utensils and cleaners (mops, brooms, bleach, etc.);
- d. all safety equipment (protective coats, helmets, leather gloves, etc.);
- e. all mattresses and bedding material (pillows, sheets, etc.);
- f. all major kitchen appliances; and
- g. all firehouse furniture and exercise equipment (tables, beds, chairs, exercise bikes, etc.).

Article 4.06

**PARKING**

The City shall provide, without cost to employees on duty, lighted and maintained parking spaces at all fire stations.

Article 4.07

**SHIFT EXCHANGE**

The hour of shift exchange shall be at 0800 daily.

Employees shall have the right to exchange shifts when the change does not interfere with the operation of the Fire Department as pertaining to City manpower requirements. In addition, the following combination of staffing must be on-duty at all times unless otherwise authorized by the Fire Chief: Two officers and two engineers and four paramedics. Furthermore, the following restrictions shall apply: shift exchanges can only be made between qualified personnel; shift exchanges must be paid back within twelve months; and records must be maintained on all partial and twenty four hour shift exchanges.

Any individual's abuse or failure to follow these provisions governing shift exchanges may result in shift exchange privileges being temporarily curtailed for such individual.

Article 4.08

**PERSONNEL REDUCTION**

The Fire Chief, at the direction of the City, 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 does not reflect discredit on the employee's performance. The duties performed by an employee laid off may be reassigned to other employees currently working who hold positions in appropriate classes. No regular employee shall be laid off while another person is employed on a probationary or temporary basis in the same class in the Fire Department.

Lay-off of employees shall be made at the discretion of the Fire Chief, taking into consideration safety record, any prior disciplinary actions and seniority, provided that such determination does not violate the principles of due process and just cause and is not done in a manner that is arbitrary, capricious, or unreasonable.



Employees shall be given at least two weeks notice prior to such layoff or pay in lieu of such notice at the City's sole option and shall be placed on a priority recall list, maintained by the Fire Chief, for a period of 12 months. No employees shall be hired into the Fire Department while laid off employees remain on the priority recall list. In the event of a recall, employees shall be recalled in the inverse order of their layoff and, provided that they are presently qualified to perform the work, returned to the job classification they maintained at the time of layoff. Seniority shall not be deemed broken and employees shall continue as if there had been no break in their employment with the City.

The City shall notify employees eligible for recall of such by certified mail, return receipt requested to any such employees' last known address, or by hand-delivery of the recall eligibility notice, and by phone to any such employees' last known phone number. It shall be the sole responsibility of the employee to provide the City and Fire Chief with current contact information. Recalled employees shall notify the Fire Chief of their intention to return to work within fourteen (14) calendar days of notification.

#### Article 4.09

##### **DEFINITION OF SENIORITY**

Seniority shall be determined by continuous service with the City of Kirkwood Fire Department. Employees will attain seniority on the first day of their probationary period. Continuous service shall be broken by only: resignation, discharge, retirement, and if an employee is laid off and fails to return to work within fourteen (14) days after being recalled.

#### Article 4.10

##### **HOURS OF DUTY**

The current hours of duty for each employee shall begin at 08:00 A.M. Currently, each shift shall be on duty forty-eight (48) hours. All employees shall be ready to work at 08:00 A.M. in uniform and ready to respond to emergency calls at all times for the remainder of their shift. Employees work a three (3)-platoon forty-eight (48)-hour shift schedule. The shift rotation is as follows: A/A, B/B, C/C. For avoidance of doubt, nothing in this Article 4.10 shall limit the City's right to implement any changes to the hours of duty for any of the employees subject to this Collective Bargaining Agreement.

Normal work hours shall commence at 0800 and continue until 1700 hours Monday through Sunday. The City will allow employees 1 hour for physical fitness activities at a reasonable time during the day and 1 and ½ hours as a flex-time during which employees can prepare and consume meals. Non-emergency operations such as, but not limited to, inspections, apparatus and equipment maintenance, fire and EMS training, fire hose and fire hydrant testing, and facilities cleaning and maintenance shall be scheduled during the

aforementioned normal work hours.

Unless intervening emergency calls prevent completion, the following tasks must be completed by 17:00 hours:

- The Daily Standard Operating Procedures (SOP).
- The emergency apparatus and equipment have been checked for serviceability and cleanliness.
- The station and apparatus have been cleaned.
- Scheduled training and public relations activities have been completed.

Management reserves the right to schedule training, public relation events and/or special events outside of these work hours.

Article 4.11

#### **APPARATUS STAFFING**

It is the City's intent that all Fire Apparatus will be maintained as ALS units, with one riding position a Licensed Paramedic. An officer and engineer who is a licensed paramedic but who does not hold the position of Firefighter/Paramedic also may fill this position.

Fire Engineers that are Licensed Paramedics and receive the Fire Engineer Paramedic License Fringe Benefit, pursuant to Article 2.13 to maintain their Paramedic license shall be utilized as necessary by management to fill positions on all apparatus.

Employees hired with or who obtain a Paramedic License during employment must retain that Paramedic License so long as they work in the pay classifications of Fire Engineer or Firefighter/Paramedic.

Article 4.12

#### **POSTING OF PROMOTION TESTING SCORES**

Once a promotion has been determined in the Fire Department, a list will be provided to each engine house identifying the top three candidates (in no particular order). In addition, each candidate will be provided in writing his/her individual scores. Candidates will be able once the promotion process is complete to review the results of their written and practical tests, subject to the copyright and usage terms of the test purchase agreement.

Article 4.13

**EXISTING PRIVILEGES**

Allowance of outside employment provided that it does not interfere with the Fire Department schedule or performance of duties or occurs when an employee is receiving workers' compensation benefits and has not been returned to full and unrestricted duty, or is on sick leave.

Article 5.01

**MANAGEMENT RIGHTS**

Except as limited by the other articles of this Agreement or supplemental agreements, the City shall have the exclusive right to manage the business and direct the employees. These rights include, but are not limited to, the right to plan, direct and control operations; to determine the operations or services to be performed by the employees of the City; to schedule the working hours; to adopt rules of conduct; to hire, promote, transfer, suspend, discipline or discharge.

Article 5.02

**PERSONNEL RULES AND REGULATIONS**

Except as expressly limited in this Collective Bargaining Agreement, all of the City's Personnel Rules and Regulations, as may be in effect from time to time, shall be applicable to the bargaining unit employees covered by this Collective Bargaining Agreement. For avoidance of doubt, to the extent that any specific term or provision of this Agreement is in conflict with any specific provision in the City's Personnel Rules and Regulations, the specific provision of this Agreement shall govern and supersede any conflicting provision in the City's Personnel Rules and Regulations.

Article 5.03

**NO STRIKE**

The Union and the employees represented by the Union shall not engage in or encourage any engagement in, either directly or indirectly, strikes, slowdowns, group illness, or withdrawal of services against the Kirkwood Fire Department.

The Union and the employees represented by the Union shall not hinder or prevent any entrance to or egress from fire houses or any other public buildings, or obstruct or interfere with the free and uninterrupted use of public or private roads, streets, highways, railways, airports, or other ways of travel. The Union's right to informational picketing shall be limited as provided by Missouri law.

Article 6.01

**SAVINGS CLAUSE**

If any provision of this Collective Bargaining Agreement, or the application of such provisions, should be rendered or declared invalid by any court action or by reason of any existing or subsequently enacted legislation, the remaining parts or portions of this Agreement shall remain in full force and effect.

Article 6.02

**APPENDICES AND AMENDMENTS**

All appendices and amendments of this Collective Bargaining Agreement shall be lettered, dated, and signed by the responsible parties and shall be subject to all provisions of this Collective Bargaining Agreement.

Article 6.03

**DURATION OF COLLECTIVE BARGAINING AGREEMENT**

This Collective Bargaining Agreement shall be effective as of the date adopted by the City Council and shall remain in full force and effect through December 31, 2021. It shall automatically be renewed from year to year thereafter, unless either party shall have notified the other party in writing at least ninety days prior to the anniversary date that it desires to modify the Collective Bargaining Agreement. In the event that either the City or Union provides notice to modify the Agreement, bargaining discussions shall commence no later than forty-five (45) days after the date the Union or the City gives the required notice, unless otherwise agreed by the parties. This Agreement shall remain in effect during good faith negotiations and shall continue to remain in full force and effect until such time as a new Agreement is agreed upon by the City and Union.

INTERNATIONAL ASSOCIATION  
OF FIREFIGHTERS LOCAL 2665

By: \_\_\_\_\_  
Duane A. Orr  
Shop Steward

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Jeff Proctor  
Business Manager

Date: \_\_\_\_\_

CITY OF KIRKWOOD

By: \_\_\_\_\_  
Russell B. Hawes  
Chief Administrative Officer

Date: \_\_\_\_\_

# ATTACHMENT A

## Article 2.06 Attendance Form



Kirkwood Fire Department

### EMS Class Hours Verification Form

---

Employee Name \_\_\_\_\_  
Date of Class \_\_\_\_\_  
Class Title \_\_\_\_\_  
Class Location \_\_\_\_\_  
Hours Attended \_\_\_\_\_ to \_\_\_\_\_  
CEU's Awarded \_\_\_\_\_

Employee Signature \_\_\_\_\_

Course Manager Signature \_\_\_\_\_

Course	Manager	Name	(Printed)
--------	---------	------	-----------

Contact Phone Number \_\_\_\_\_

# ATTACHMENT B

## FINANCIAL REIMBURSEMENT AGREEMENT

This Financial Reimbursement Agreement (the "Agreement") is by and between the City of Kirkwood (the "City") and \_\_\_\_\_ [INSERT EMPLOYEE NAME] (the "Employee").

WHEREAS, Employee has been offered employment with the City in the position of Firefighter/Paramedic for the City's Fire Department;

WHEREAS, the City has agreed to pay the costs for various custom fitted personal protective equipment and gear including but not necessarily limited to Employee's respiratory apparatus, gloves, helmet, fire coat, bunker pants and boots (the "Turn Out Gear");

WHEREAS, the City has agreed to pay the costs for various custom fitted and decorated apparel, including but not necessarily limited to boots, belts, shirts, trousers, dress cap and jacket (the "Station Wear"); and

WHEREAS, as a condition of Employee's commencement of employment with the City, Employee has agreed to the terms set forth in this Agreement.

NOW, therefore, in consideration of the mutual covenants contained in this Agreement, the City and Employee agree as follows:

1. The City agrees to pay for and provide Employee with the Turn Out Gear for outfitting a new employee, the cost of which is \$\_\_\_\_\_ (the "Turn Out Gear Cost").

2. Employee agrees to reimburse the City for the Turn Out Gear Cost, on a pro rata basis, if at any time prior to completing 24 months of employment service from Employee's date of active employment with the City: Employee voluntarily leaves the employment of the City for any reason whatsoever; or Employee is terminated for misconduct connected with Employee's work. Upon reimbursement to the City, the Turn Out Gear shall become the property of Employee following the City's removal of any City insignia on any of the Turn Out Gear. The Turn Out Gear Cost subject to reimbursement shall be reduced by 1/24<sup>th</sup> for each full month of employment with the City completed by Employee.

3. The City agrees to pay for and provide Employee with the Station Wear for outfitting a new employee, the cost of which is significantly in excess of \$1,000.00. Employee agrees to reimburse the City in the amount of \$1,000.00 (the "Station Wear Reimbursement") if at any time prior to completing 12 months of employment service from Employee's date of active employment with the City: Employee voluntarily leaves the employment of the City for any reason whatsoever; or Employee is terminated for misconduct connected with Employee's work. Upon reimbursement to the City, the Station Wear shall become the property of Employee following the City's removal of any

City insignia on any of the Station Wear. The Station Wear Reimbursement is not subject to any pro rata reduction.

4. Any Turn Out Gear Cost reimbursement due under this Agreement shall become due and owing immediately upon Employee's voluntary separation of employment, or Employee's separation of employment by the City due to misconduct connected with Employee's work, so long as such employment separation occurs prior to Employee completing 24 months of service with the City. Employee specifically agrees and authorizes the City to deduct any Turn Out Gear Cost reimbursement owed under this Agreement from any wages, salaries or other remuneration owed to Employee by the City, specifically including a deduction from Employee's final compensation or any other amount that may be owed to Employee by the City at the time of Employee's separation of employment. Employee agrees further that Employee shall be liable to the City for any costs incurred by the City to enforce any term of this Agreement, specifically including the City's reasonable attorneys' fees and court costs.

5. Any Station Wear Reimbursement due under this Agreement shall become due and owing immediately upon Employee's voluntary separation of employment, or Employee's separation of employment by the City due to misconduct connected with Employee's work, so long as such employment separation occurs prior to Employee completing 12 months of service with the City. Employee specifically agrees and authorizes the City to deduct any Station Wear Reimbursement owed under this Agreement from any wages, salaries or other remuneration owed to Employee by the City, specifically including a deduction from Employee's final compensation or any other amount that may be owed to Employee by the City at the time of Employee's separation of employment. Employee agrees further that Employee shall be liable to the City for any costs incurred by the City to enforce any term of this Agreement, specifically including the City's reasonable attorneys' fees and court costs.

6. Employee and the City agree that any legal action necessary to enforce any provision of this Agreement shall be maintained exclusively in the Circuit Court of the County of St. Louis, State of Missouri and that this Agreement shall be governed in all respects by the laws of the State of Missouri.

7. This Agreement and its provisions may only be modified, waived, altered or rescinded pursuant to a subsequent written agreement, signed by Employee and an authorized representative of the City.



This Agreement is freely and voluntarily entered into by the City and Employee. The City and Employee have executed this Agreement on the date(s) set forth below.

**CITY OF KIRKWOOD**

**[EMPLOYEE NAME INSERTED]  
("EMPLOYEE")**

By: \_\_\_\_\_

\_\_\_\_\_  
Signature

Title: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

RESOLUTION 82-2019

A RESOLUTION APPOINTING MEMBERS TO THE LIBRARY BOARD.

WHEREAS, there are three terms expiring on the Library Board in June 2019, and

WHEREAS, the City Council believes that Jamie Reyes-Jones, Laura McLaughlin, and Nancy Price should be appointed to the Library Board for terms to June 2022.

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

SECTION 1. Jamie Reyes-Jones, Laura McLaughlin, and Nancy Price are hereby appointed to the Library Board for terms to June 2022.

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

PASSED AND APPROVED THIS 6<sup>TH</sup> DAY OF JUNE 2019.

---

Mayor, City of Kirkwood

ATTEST:

---

City Clerk

# Legislation Request

## Resolution

Place On The Agenda Of: 6/6/2019

### Step #1:

Strategic Plan NO

Goal # & Title

### Background To Issue:

There will be three terms expiring on the Library Board in June 2019, which will need to be filled.

### Recommendations and Action Requested:

Appoint Jamie Reyes-Jones, Laura McLaughlin, and Nancy Price to the Library Board with terms to June 2022.

### Alternatives Available:

Cost: \$0.00      Account #: 00000      Project #:      Budgeted: YES

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

### Department Head Comments:

BY: Laurie Asche

Date: 5/28/2019

Authenticated: aschelb

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

Diasapprove

Chief Administrative Officer's Comments:

BY: 

Date: 5-31-19

**CITY OF KIRKWOOD  
Volunteer Profile**

139 S. Kirkwood Road, Kirkwood, Missouri 63122  
(314) 822-5802 Fax: (314) 822-5863 Website: www.kirkwoodmo.org

\*The website address contains information on the various boards that may assist in making your decision.  
PLEASE NOTE: The City Council is committed to Board and Commission Members being trained in the aspects of their responsibilities. If you are appointed to a Board or Commission you may be required to attend training sessions.

Supplying the following information will assist the Mayor and City Council in considering your interest in a City Board or Commission. (Forms remain on file with the City Clerk for two years). The information provided is considered public information. Submission of a completed form does not guarantee placement on a Board or Commission. You must reside in the City of Kirkwood to be considered for placement on a Board of Commission (\*with exception for the Arts Commission per Ordinance 10571).

**Personal/Home Information**

Name: Jamie Reyes-Jones

Date: \_\_\_\_\_

Address: 607 Angenette Ave

**Employment Information:**

Employer's Name: Hartnett Reyes-Jones LLC

Address: Kirkwood, MO 63122

**Contact Information:**

Day Phone: 314-239-7974

Evening Phone: 314-239-7974

Fax: \_\_\_\_\_

Email: JJones@hrjlaw.com

**Part I: Please indicate the areas in which you have an interest:**

Write (1) for STRONG INTEREST or (2) for MODERATE INTEREST. Leave blank if limited or no interest.

<input type="checkbox"/>	Aquatic Advisory Council	<input type="checkbox"/>	Landmarks Commission
<input type="checkbox"/>	Architectural Review Board	<input type="checkbox"/>	Library Board
<input type="checkbox"/>	Board of Adjustment	<input type="checkbox"/>	Local Housing Authority
<input type="checkbox"/>	Civil Service Commission	<input type="checkbox"/>	Farmers' Market Advisory Committee
<input type="checkbox"/>	Finance Committee	<input type="checkbox"/>	Park Board
<input type="checkbox"/>	Greentree Festival Committee	<input type="checkbox"/>	Civilian Pension Board
<input type="checkbox"/>	Human Rights Commission*	<input type="checkbox"/>	Planning and Zoning Commission
<input type="checkbox"/>	Industrial Development Authority	<input type="checkbox"/>	Urban Forestry Commission
<input type="checkbox"/>	Arts Commission	<input type="checkbox"/>	Public Facilities Authority

**Part II: Background Information:** This section is designed to learn more information about you – your community interests and your educational and professional background. If you have a resume, please attach a copy to this form. Please note, some appointments must be filled by specific professionals (engineer, attorney, architect, etc.) This information is available through the City Clerk at 314-822-5802.

**Education & Employment Information:**

BA from Southeast Missouri State University

JD from St. Louis University

Attorney at Hartnett Reyes-Jones, LLC - Managing Member

**Previous Board and Commission Appointments:**

Library Board

**Community Activities:**

Girl Scout Leader Troop 1818

**Other Information:**

Please return completed form to:

Laurie Asche, City Clerk  
139 S. Kirkwood Road  
Kirkwood, MO 63122  
(314) 822-5802 Fax: (314) 822-5863

CITY OF KIRKWOOD

Volunteer Profile

139 S. Kirkwood Road, Kirkwood, Missouri 63122

(314) 822-5802

Fax: (314) 822-5863

Website: www.kirkwoodmo.org

\*The website address contains information on the various boards that may assist in making your decision.

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Supplying the following information will assist the Mayor and City Council in considering your interest in a City Board or Commission. (Forms remain on file with the City Clerk for two years). The information provided is considered public information. Submission of a completed form does not guarantee placement on a Board or Commission. You must reside in the City of Kirkwood to be considered for placement on a Board of Commission.

Personal/Home Information

Name: Laura McLaughlin

Date: 2-8-19

Address: 240 E. Jefferson Kirkwood

Employment Information:

Employer's Name: Washington University

school of Law

Address: 1 Brookings Dr. St Louis

Contact Information:

Day Phone: 314-518-5099

Evening Phone: 314-518-5099

Fax: \_\_\_\_\_

Email: lmclaughlin576@charter.net

63130

Part I: Please indicate the areas in which you have an interest:

Write (1) for STRONG INTEREST or (2) for MODERATE INTEREST. Leave blank if limited or no interest.

	Aquatic Advisory Council		Landmarks Commission
	Architectural Review Board	1	Library Board
	Board of Adjustment		Local Housing Authority
	Civil Service Commission		Farmers' Market Advisory Committee
	Finance Committee		Park Board
	Greentree Festival Committee		Civilian Pension Board
	Human Rights Commission*		Planning and Zoning Commission
	Industrial Development Authority		Urban Forestry Commission
	Arts Commission		Public Facilities Authority

Part II: Background Information: This section is designed to learn more information about you – your community interests and your educational and professional background. If you have a resume, please attach a copy to this form. Please note, some appointments must be filled by specific professionals (engineer, attorney, architect, etc.) This information is available through the City Clerk at 314-822-5802.

Education & Employment Information:

University of Missouri-Columbia BA-1991 (psychology) JD 1994 (law)

Washington University School of Law - Assistant Director of Academic Success and Bar Preparation / Prior Librarian

St. Peter School

Previous Board and Commission Appointments:

N/A

Community Activities:

previous fundraising at St. Peter School, Librarian at St. Peter, Book fair volunteer, Greentree booth, YMCA member - support

Other Information: St. Peter Church

I have resided in Kirkwood for 23+ years and am proud of our city. Now that my children are older and I have more time, I want to give back or

please return completed form to:

Laurie Asche, City Clerk  
139 S. Kirkwood Road  
Kirkwood, MO 63122  
(314) 822-5802 Fax: (314) 822-5863

become an even more involved resident.

USE BACK OF FORM TO PROVIDE ADDITIONAL INFORMATION

# CITY OF KIRKWOOD

## Volunteer Profile

139 S. Kirkwood Road, Kirkwood, Missouri 63122

(314) 822-5802 Fax: (314) 822-5863 Website: [www.kirkwoodmo.org](http://www.kirkwoodmo.org)

\*The website address contains information on the various boards that may assist in making your decision.  
PLEASE NOTE:

Supplying the following information will assist the Mayor and City Council in considering your interest in a City Board or Commission. (Forms remain on file with the City Clerk for two years). The information provided is considered public information. Submission of a completed form does not guarantee placement on a Board or Commission. You must reside in the City of Kirkwood to be considered for placement on a Board of Commission.

### Personal/Home Information

Date: 12-19-2018

Name: Nancy Price

Address: P O Box 31402, 63131

### Employment Information:

Employer's Name: \_\_\_\_\_

Address: \_\_\_\_\_

### Contact Information:

Day Phone: 314-330-8634

Evening Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email: [nprice07@gmail.com](mailto:nprice07@gmail.com)

### Part I: Please indicate the areas in which you have an interest:

Write (1) for STRONG INTEREST or (2) for MODERATE INTEREST. Leave blank if limited or no interest.

Aquatic Advisory Committee		Landmarks Commission
Architectural Review Board	1	Library Board
Board of Adjustment		Local Housing Authority
Civil Service Commission		Market Committee
Finance Committee		Park Board
Greentree Festival Committee		Pension Board
Human Rights Commission*		Planning and Zoning Commission
Industrial Development Authority		Urban Forestry Commission
Kirkwood Arts Commission		Public Facilities Authority

**Part II: Background Information:** This section is designed to learn more information about you – your community interests and your educational and professional background. If you have a resume, please attach a copy to this form. Please note, some appointments must be filled by specific professionals (engineer, attorney, architect, etc.) This information is available through the City Clerk at 314-822-5802.

### Education & Employment Information:

Two masters degrees, Plant Physiology and Biochemistry, in addition to scientific work and data analysis, have done

consumer research and learned a lot about diversity from living in a dozen different states. I believe in education and reading

and have always worked to provide everyone with better opportunities and access to these advantages. Good understanding of finances.

### Previous Board and Commission Appointments:

none in Kirkwood

### Community Activities:

Community for Understanding and Healing/Hope, CERT, League of Women Voters Board and Education Chair,

Women's Voices Raised, Webster Groves Nature Study Society, Kirkwood Garden Club

### Other Information:

One of the reasons I chose to move to Kirkwood was the town library. I believe reading and education improve the quality of everyone's

life, even if they do not directly provide an economic return

Please return completed form to:

**Betty Montañó, City Clerk**

139 S. Kirkwood Road

Kirkwood, MO 63122

(314) 822-5802 Fax: (314) 822-5863

**USE BACK OF FORM TO PROVIDE ADDITIONAL INFORMATION**

RESOLUTION 83-2019

A RESOLUTION APPOINTING MEMBERS TO THE ARTS COMMISSION.

WHEREAS, per Ordinance 10729 the membership for the Arts Commission was changed from seven members to nine, with the option to allow for up to three non-Kirkwood resident members, nominated by the Kirkwood Arts Commission and approved by the City Council, and

WHEREAS, the Arts Commission makes the following recommendations for reappointment and appointments:

Zoe Perkins	Reappointed	June 2022
Andrew Smith	New Appointment	June 2022
Deanna Stevenson	New Appointment	June 2021
Stefanie Kirkland	New Appointment	June 2020

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

SECTION 1. The following reappointment and appointments to the Library Board are hereby accepted and approved:

Zoe Perkins	Reappointed	June 2022
Andrew Smith	New Appointment	June 2022
Deanna Stevenson	New Appointment	June 2021
Stefanie Kirkland	New Appointment	June 2020

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

PASSED AND APPROVED THIS 6<sup>TH</sup> DAY OF JUNE 2019.

\_\_\_\_\_  
Mayor, City of Kirkwood

ATTEST:

\_\_\_\_\_  
City Clerk



# Legislation Request

## Resolution

Place On The Agenda Of: 6/6/2019

Step #1:

Strategic Plan NO Goal # & Title

Background To Issue:

The Kirkwood Arts Commission currently has three openings on the Commission due to a resignation and the expansion of the Commission from seven to nine members. In addition, one current Commission member needs to be re-appointed.

Recommendations and Action Requested:

The Kirkwood Arts Commission requests the following appointments be made:  
Zoe Perkins, and Andrew Smith, three year terms commencing June of 2019  
Deanna Stevenson, two year term commencing June, 2019  
Stefanie Kirkland, one year term commencing June, 2019

Alternatives Available:

Cost: \$0.00 Account #: 10111024123106 Project #: Budgeted: YES

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

Department Head Comments:

These appointments were approved by the Arts Commission at their May 21, 2019 meeting.

BY: Murray Pounds


Date: 5/22/2019

Authenticated: poundsm

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

Diasapprove

Chief Administrative Officer's Comments:

BY:



Date:

5-31-19

**CITY OF KIRKWOOD  
Volunteer Profile**

139 S. Kirkwood Road, Kirkwood, Missouri 63122

(314) 822-5802 Fax: (314) 822-5863 Website: www.kirkwoodmo.org

\*The website address contains information on the various boards that may assist in making your decision.

**PLEASE NOTE:** The City Council is committed to Board and Commission Members being trained in the aspects of their responsibilities. If you are appointed to a Board or Commission you may be required to attend training sessions.

Supplying the following information will assist the Mayor and City Council in considering your interest in a City Board or Commission. (Forms remain on file with the City Clerk for two years). The information provided is considered public information. Submission of a completed form does not guarantee placement on a Board or Commission. You must reside in the City of Kirkwood to be considered for placement on a Board of Commission (\*with exception for the Arts Commission per Ordinance 10571).

**Personal/Home Information**

Date: 5/8/2019

Name: Stefanie Kirkland

Address: 306 Chicago Street

**Employment Information:**

Employer's Name: Craft Alliance Center of Art + Design Address: Kirkwood, MO 63122

**Contact Information:**

Day Phone: 314-704-4355

Evening Phone: same

Fax: \_\_\_\_\_

Email: stefaniebkirkland@gmail.com

**Part I: Please indicate the areas in which you have an interest:**

Write (1) for STRONG INTEREST or (2) for MODERATE INTEREST. Leave blank if limited or no interest.

<input type="checkbox"/>	Aquatic Advisory Council	<input type="checkbox"/>	Landmarks Commission
<input type="checkbox"/>	Architectural Review Board	<input type="checkbox"/>	Library Board
<input type="checkbox"/>	Board of Adjustment	<input type="checkbox"/>	Local Housing Authority
<input type="checkbox"/>	Civil Service Commission	<input type="checkbox"/>	Farmers' Market Advisory Committee
<input type="checkbox"/>	Finance Committee	<input type="checkbox"/>	Park Board
<input type="checkbox"/>	Greentree Festival Committee	<input type="checkbox"/>	Civilian Pension Board
<input type="checkbox"/>	Human Rights Commission*	<input type="checkbox"/>	Planning and Zoning Commission
<input type="checkbox"/>	Industrial Development Authority	<input type="checkbox"/>	Urban Forestry Commission
<input checked="" type="checkbox"/>	Arts Commission	<input type="checkbox"/>	Public Facilities Authority

**Part II: Background Information:** This section is designed to learn more information about you – your community interests and your educational and professional background. If you have a resume, please attach a copy to this form. Please note, some appointments must be filled by specific professionals (engineer, attorney, architect, etc.) This information is available through the City Clerk at 314-822-5802.

**Education & Employment Information:**

BFA Syracuse University, NY; MFA Academy of Art, CA; Juror of numerous arts fairs and competitions, curator, guest speaker for the regional Arts Commission, Contemporary Art Museum and more.

**Previous Board and Commission Appointments:**

Central Agency for Jewish Education, Officer

**Community Activities:**

**Other Information:**

Please return completed form to:

**Laurie Asche, City Clerk**

139 S. Kirkwood Road

Kirkwood, MO 63122

(314) 822-5802 Fax: (314) 822-5863

# CITY OF KIRKWOOD

## Volunteer Profile

139 S. Kirkwood Road, Kirkwood, Missouri 63122

(314) 822-5802 Fax: (314) 822-5863 Website: [www.kirkwoodmo.org](http://www.kirkwoodmo.org)

\*The website address contains information on the various boards that may assist in making your decision.  
**PLEASE NOTE:** The City Council is committed to Board and Commission Members being trained in the aspects of their responsibilities. If you are appointed to a Board or Commission you may be required to attend training sessions.

Supplying the following information will assist the Mayor and City Council in considering your interest in a City Board or Commission. (Forms remain on file with the City Clerk for two years). The information provided is considered public information. Submission of a completed form does not guarantee placement on a Board or Commission. You must reside in the City of Kirkwood to be considered for placement on a Board of Commission.

### Personal/Home Information

Name: Andrew Smith

Date: 4-4-18

Address: 1954 Briargate Ln., Kirkwood, MO

### Employment Information:

Employer's Name: FleishmanHillard

Address: 200 N. Broadway, St. Louis, MO

### Contact Information:

Day Phone: 314-808-2503

Evening Phone: 314-808-2503

Fax: N/A

Email: andrew@andrewleesmith.com

### Part I: Please indicate the areas in which you have an interest:

Write (1) for STRONG INTEREST or (2) for MODERATE INTEREST. Leave blank if limited or no interest.

	Aquatic Advisory Committee		Landmarks Commission
	Architectural Review Board		Library Board
	Board of Adjustment		Local Housing Authority
	Civil Service Commission		Market Committee
	Finance Committee		Park Board
	Greentree Festival Committee		Pension Board
	Human Rights Commission*		Planning and Zoning Commission
	Industrial Development Authority		Urban Forestry Commission
1	Kirkwood Arts Commission		Public Facilities Authority

**Part II: Background Information:** This section is designed to learn more information about you – your community interests and your educational and professional background. If you have a resume, please attach a copy to this form. Please note, some appointments must be filled by specific professionals (engineer, attorney, architect, etc.) This information is available through the City Clerk at 314-822-5802.

### Education & Employment Information:

Resume attached

### Previous Board and Commission Appointments:

N/A

### Community Activities:

Member of the AIGA and volunteer for local chapter events

### Other Information:

As you'll see, I'm primarily a graphic designer, but I'm also a novice watercolor artist.

Please return completed form to:

**Betty Montaño, City Clerk**

139 S. Kirkwood Road

Kirkwood, MO 63122

(314) 822-5802 Fax: (314) 822-5863

**USE BACK OF FORM TO PROVIDE ADDITIONAL INFORMATION**

13+ years designing award-winning physical and digital communications across numerous advertising channels. Proficient in creative strategy, visual design, and managing projects within agency and in-house settings.



### CAREER SUCCESS

#### DESIGNER

February 2007 - Present  
FleishmanHillard + St. Louis, MO

Support client accounts by designing innovative executive-level presentations for corporate events. Drive regional new-business initiatives by designing successful on-target RFP responses.

Channels — corporate events, infographics, B2C/B2B

Skills — concepts, visual design, typography, pitch work

Sectors — automotive, consumer products, medical, financial, telecom

#### ART DIRECTOR & DESIGNER

January 2009 - April 2011 | May 2010 - February 2017  
Freelance - St. Louis, MO

Collaborate on-site in the visual design of physical and digital communications for national brands with agencies and in-house teams. Consistently commended for self-starter mentality and needing minimal supervision.

Channels — B2C/B2B websites, email, direct mail, exhibition

Skills — concepts, visual design, typography, illustration, pitch work

Sectors — automotive, landscaping, medical, beauty, financial

#### ART DIRECTOR & DESIGNER

April 2011 - May 2016  
A.E.R.O., Inc. + Granite City, IL

Core focus was unifying the visual appearance of insight-driven B2B/B2C communications for all brands, across multiple advertising channels, in support of sales and business goals. Successfully led a small in-house marketing team.

Channels — web, digital, social, blog, exhibition, email, PPC, outdoor

Skills — creative strategy, copywriting, visual design, product photography, research, team management

Sectors — general aviation, manufacturing, distribution

#### DESIGNER

January 2007 - January 2009  
Gay Design Group, Inc. + St. Louis, MO

Collaborated with project leaders to develop architectural and interior assets used in the design and construction of award-winning commercial structures of 100,000+ sq. ft. Additionally served as firm's in-house Graphic Designer on branding of corporate interiors.

Channels — B2B, digital, web, presentation, branding, outdoor

Skills — construction documents, site work, 3D renderings, digital modeling, environmental graphics

Sectors — corporate interiors, corporate office, industrial, remodeling, education

### NOTABLE SKILLS



- Delegation
- Motivation
- Communication



- Mac/Windows\*
- WordPress\*
- AutoCAD\*



- Visual Identity
- Research
- Color theory



- Digital design
- Identity design
- Web design

### RECOGNITION



2004

Friedrich/Rose Fund Scholarship for Design



2006

Linda Richichi Award in Environmental Design



2011

IDA St. Louis Design Contest Winner



2012

GDUSA American Inhouse Design Award

#### EDUCATION

B.S. in Architectural Studies (Fall 2018)

St. Louis Arch House, The Art Institute of St. Louis

#### REFERENCES

Professional references available upon request

**CITY OF KIRKWOOD  
Volunteer Profile**

139 S. Kirkwood Road, Kirkwood, Missouri 63122

(314) 822-5802 Fax: (314) 822-5863 Website: www.kirkwoodmo.org

\*The website address contains information on the various boards that may assist in making your decision.

**PLEASE NOTE:** The City Council is committed to Board and Commission Members being trained in the aspects of their responsibilities. If you are appointed to a Board or Commission you may be required to attend training sessions.

Supplying the following information will assist the Mayor and City Council in considering your interest in a City Board or Commission. (Forms remain on file with the City Clerk for two years). The information provided is considered public information. Submission of a completed form does not guarantee placement on a Board or Commission. You must reside in the City of Kirkwood to be considered for placement on a Board of Commission.

**Personal/Home Information**

Name: Deanna K. Stevenson

Date: 03/06/2019

Address: 112 East Bodley Ave

**Employment Information:**

Employer's Name: Retired

Address: #101, Kirkwood, MO 63122

**Contact Information:**

Day Phone: 310 415 1676 (cell) Evening Phone: Same

Fax: \_\_\_\_\_

Email: dkstevenson@gmail.com

**Part I: Please indicate the areas in which you have an interest:**

Write (1) for STRONG INTEREST or (2) for MODERATE INTEREST. Leave blank if limited or no interest.

	Aquatic Advisory Council		Landmarks Commission
	Architectural Review Board		Library Board
	Board of Adjustment	2	Local Housing Authority
	Civil Service Commission		Farmers' Market Advisory Committee
	Finance Committee		Park Board
	Greentree Festival Committee		Civilian Pension Board
2	Human Rights Commission*	2	Planning and Zoning Commission
	Industrial Development Authority		Urban Forestry Commission
1	Arts Commission		Public Facilities Authority

**Part II: Background Information:** This section is designed to learn more information about you – your community interests and your educational and professional background. If you have a resume, please attach a copy to this form. Please note, some appointments must be filled by specific professionals (engineer, attorney, architect, etc.) This information is available through the City Clerk at 314-822-5802.

**Education & Employment Information:**

Masters in Music Performance, Louisiana University; ABD in Music Performance, University of Texas at Austin; Study toward a Masters Degree in Creative Writing at Houston University

**Previous Board and Commission Appointments:**

Founding Women and their Work, Liaison to the West Hollywood Arts Commission, West Hollywood Orchestra Board, Los Angeles Commission on Assaults

**Community Activities:**

aggressive women. I am involved in the Common Sense Gun Solutions Committee and Membership Committee of Women's Voices Raised for Social Justice and The Tuesday

**Other Information:**

women's association & The Ethical Society. I am part of a team from the AAUW (American Assoc. of University women) participation on the location of an International Relations series

Please return completed form to:

**Laurie Asche, City Clerk**  
139 S. Kirkwood Road  
Kirkwood, MO 63122  
(314) 822-5802 Fax: (314) 822-5863

of lectures.

**USE BACK OF FORM TO PROVIDE ADDITIONAL INFORMATION**

## CITY OF KIRKWOOD HUMAN RIGHTS COMMISSION

The Kirkwood Human Rights Commission is one of the most important volunteer opportunities anyone can offer the citizens of the city. Membership provides an opportunity to support and educate the community about the importance and value of diversity among us. Diversity manifests itself in all forms whether it is age, gender, sexual orientation, disability, racial or ethnic identity, religion, and other categories. It is the City's commitment that diversity should be embraced and not avoided.

The nine citizens who serve on this commission seek ways to create educational opportunities and provide an outlet for residents who are facing real or perceived injustices. The city has a long heritage of finding ways to encourage such concerns. The predecessor commission the Kirkwood Human Rights and Awareness Commission was created over 50 years ago. The city enacted a fair housing code as far back as 1963 to help insure fairness in seeking housing opportunities. The fact that such commissions exist today is a tribute to Kirkwood's commitment to human rights.

The following are examples of traits that assist a resident in serving comfortably and effectively as a commission member. The following are not requirements for appointment, but only issues offered for self-reflection. The City wants a committee member to be effective and know that their service is important to the city government and the community at large.

### Examples of such traits:

- respect for all people
- a vision for a highly respectful and inclusive community
- a passion for justice
- a willingness to advocate change
- willingness to help those that perceive they are the victim of bias or discrimination
- an ability to listen attentively
- openness to creative solutions
- a confidence amid criticism
- a comfort with collaboration
- an appreciation for maintaining confidentiality

Please feel free to contact Russ Hawes, Kirkwood's Chief Administrative Office should you have any questions. Office telephone 314-822-5806, or [hawesrb@kirkwoodmo.org](mailto:hawesrb@kirkwoodmo.org).

Name: DEANNA K. STEVENSON  
(Please print.)

E-mail Address: dksstevenson@gmail.com

**Briefly describe your interest in serving on the Human Rights Commission.**

**Which of the above traits can you bring to your work on the HRC?**

Though I am most interested in the Arts Commission, I am currently active in organizations that promote human rights activities and values. I founded Women and Their Work, an arts organization dedicated to promoting, showing, and funding women's and multi-cultural artists' work. I also was involved in AIDS advocacy work with AIDS Project Los Angeles.

RESOLUTION 84-2019

A RESOLUTION ENDORSING ST. LOUIS COUNTY'S GRANT PROGRAM FOR THE CITY OF KIRKWOOD'S WASTE REDUCTION EFFORTS.

WHEREAS, the City of Kirkwood is desirous of expanding the level of participation that the citizenry currently utilizes with regards to the City's Recycling Program; and

WHEREAS, goals have been set to reduce the amount of solid waste in the landfills; and

WHEREAS, the Public Services Department has submitted an application to St. Louis County's 2019 Waste Reduction Grant Program; and

WHEREAS, the St. Louis County Department of Public Health, Waste Management Program, had made funds available through the 2019 St. Louis County Waste Reduction Grant to municipalities.

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

SECTION 1. The City Council of the City of Kirkwood supports the application to the 2019 Waste Reduction Grant and commits to provide data pertinent to the grant project to measure the success of the grant project.

SECTION 2. The City of Kirkwood commits to gaining cooperation and input from the residents to support the grant project.

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

PASSED AND APPROVED THIS 6th DAY OF JUNE, 2019.

\_\_\_\_\_  
Mayor, City of Kirkwood

ATTEST:

\_\_\_\_\_  
City Clerk



# Legislation Request

## Resolution

Place On The Agenda Of: 6/6/2019

### Step #1:

Strategic Plan NO Goal # & Title

### Background To Issue:

This past April Public Services submitted a grant application to the St. Louis County Department of Health's Waste Management Program, to preform a single stream recycling characterization study. This application was prompted by the changes in the recycling markets due to contamination. Last week we were notified that the City's application was being recommended to the St. Louis County Council for approval. Part of this approval process is receiving a resolution from the Kirkwood City Council endorsing this grant application.

The focus on this grant is to characterize the quantity and composition of contaminants in the City's single stream recycling materials, and develop a multi-faceted education and engagement campaign (EEC) to describe what can and more importantly, what cannot be recycled to reduce contamination under the new processing contract. An initial Characterization Study will consist of evaluating contaminants before the ECC to establish a baseline. A second study will occur approximately six months after the ECC is launched to assess its impact on the quality of recyclables, and provide the City with data to modify the EEC message. The EEC will include media relations, printed materials (such a direct mail), and digital content. For the Characterization Study, media relations, and printed materials components of the EEC.

This grant application has a projected cost of \$73,475 with the County providing \$39,940 grant. In the coming weeks the consultant agreement will be presented to the City Council for approval and budget amendments as needed.

### Recommendations and Action Requested:

It is recommend that the City Council approve this resolution to endorse the City's 2019 application to the St. Louis County Waste Reduction Grant Program.

### Alternatives Available:

Cost: \$0.00 Account #: 50923124824209 Project #: Budgeted: YES

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


### Department Head Comments:


BY: Bill Bensing


Date: 5/28/2019

Authenticated: bensingwe

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

  
STL County Grant  
Resolution.doc  
Microsoft Word 97 - 2003  
Document  
48.5 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).**

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 "David Price", written over a horizontal line.

Date:

5-30-19

RESOLUTION 85-2019

A RESOLUTION AMENDING AND READOPTING THE CITY OF KIRKWOOD CITY FEE SCHEDULES RELATING TO AMBULANCE, BUILDING PERMITS, PARKS AND RECREATION USER FEES AND UTILITIES.

WHEREAS, the City Council adopted the revised and amended Code of Ordinances on June 7, 2018, and

WHEREAS, Resolution 105-2018, establishing various city fee schedules relating to ambulance, building permits, parks and recreation user fees and utilities was approved and adopted on June 7, 2018, and

WHEREAS, staff determined that the Electric and Water Rates are currently located in both the Code of Ordinances as well as the Resolution, as well as the rates being out of date, and

WHEREAS, it is recommended that the Electric and Water Rates be removed from the Code of Ordinances and included within the Resolution to stay consistent with other fee structures, as well as updated with the current rates.

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

SECTION 1. The following City of Kirkwood fee structures are hereby approved and adopted:

**AMBULANCE SERVICE FEE SCHEDULE**

1.	Ambulance with Transport to Hospital	\$1,000
2.	Treatment – No Transport to Hospital	\$ 100
3.	Disposable Supplies	\$ 100
4.	Mileage	\$ 12 Per Mile

**BUILDING PERMIT FEE TABLE**

<i>Valuation Thousands of Dollars</i>	<i>Permit Fee</i>	<i>Valuation Thousands of Dollars</i>	<i>Permit Fee</i>
Up to 1	\$ 72	Up to 80	\$ 612
Up to 2	99.00	Up to 82	634
Up to 3	118.00	Up to 84	636
Up to 4	137	Up to 86	647
Up to 5	173	Up to 88	661
Up to 6	199	Up to 90	685
Up to 7	209	Up to 92	696
Up to 8	233	Up to 94	710
Up to 9	245	Up to 96	720
Up to 15	248	Up to 98	734
Up to 16	249	Up to 100	744
Up to 18	258	Up to 105	846

**BUILDING PERMIT FEE TABLE (continued)**

<i>Valuation Thousands of Dollars</i>		<i>Permit Fee</i>	<i>Valuation Thousands of Dollars</i>		<i>Permit Fee</i>
Up to	23	272	Up to	110	887
Up to	25	282	Up to	115	912
Up to	27	297	Up to	120	954
Up to	30	307	Up to	125	979
Up to	33	320	Up to	130	1,022
Up to	35	331	Up to	135	1,048
Up to	36	343	Up to	140	1,087
Up to	37	344	Up to	145	1,113
Up to	38	356	Up to	150	1,119
Up to	39	357	Up to	155	1,181
Up to	40	369	Up to	160	1,189
Up to	42	380	Up to	165	1,246
Up to	44	393	Up to	170	1,274
Up to	46	403	Up to	175	1,317
Up to	48	418	Up to	180	1,343
Up to	50	428	Up to	185	1,371
Up to	52	442	Up to	190	1,408
Up to	54	465	Up to	195	1,436
Up to	56	467	Up to	200	1,462
Up to	58	477	Up to	210	1,600
Up to	60	491	Up to	220	1,668
Up to	62	501	Up to	230	1,734
Up to	64	516	Up to	240	1,795
Up to	66	526	Up to	250	1,863
Up to	68	540	Up to	260	1,919
Up to	70	550	Up to	270	1,992
Up to	72	563	Up to	280	2,047
Up to	74	575	Up to	290	2,116
Up to	76	588	Up to	300	2,171
Up to	78	599	Up to	310	2,297
Up to	320	\$ 2,400	Up to	1.0	\$ 6,413
Up to	330	2,455	Up to	1.1	6,962
Up to	340	2,528	Up to	1.2	7,508
Up to	350	2,587	Up to	1.3	8,056
Up to	360	2,659	Up to	1.4	8,574
Up to	370	2,720	Up to	1.5	9,100
Up to	380	2,777	Up to	1.6	9,625
Up to	390	2,850	Up to	1.7	10,138
Up to	400	2,989	Up to	1.8	10,648
Up to	420	3,025	Up to	1.9	11,160
Up to	440	3,157	Up to	2.0	11,669
Up to	460	3,276	Up to	2.1	12,166
Up to	480	3,404	Up to	2.2	12,662
Up to	500	3,522	Up to	2.3	13,159
Up to	520	3,640	Up to	2.4	13,655

Up to	540	3,773	Up to	2.5	14,153
Up to	560	3,888	Up to	2.6	14,636
Up to	580	4,006	Up to	2.7	15,115
Up to	600	4,120	Up to	2.8	15,596

**BUILDING PERMIT FEE TABLE (continued)**

<i>Valuation Thousands of Dollars</i>		<i>Permit Fee</i>	<i>Valuation Thousands of Dollars</i>		<i>Permit Fee</i>
Up to	620	4,238	Up to	2.9	16,079
Up to	640	4,356	Up to	3.0	16,562
Up to	660	4,472	Up to	3.1	17,044
Up to	680	4,590	Up to	3.2	17,510
Up to	700	4,708	Up to	3.3	17,978
Up to	720	4,823	Up to	3.4	18,462
Up to	740	4,940	Up to	3.5	18,929
Up to	760	5,056	Up to	3.6	19,386
Up to	780	5,173	Up to	3.7	19,846
Up to	800	5,291	Up to	3.8	20,315
Up to	820	5,408	Up to	3.9	20,768
Up to	840	5,507	Up to	4.0	21,235
Up to	860	5,624	Up to	4.2	22,141
Up to	880	5,741	Up to	4.4	23,058
Up to	900	5,858	Up to	4.6	23,952
Up to	920	5,962	Up to	4.8	24,857
Up to	940	6,077	Up to	5.0	25,746
Up to	960	6,198	Up to	5.2	26,639
Up to	980	6,296	Up to	5.4	27,515

<i>Valuation Millions of Dollars</i>		<i>Permit Fee</i>
Up to	5.6	28,391
Up to	5.8	29,267
Up to	6.0	30,126
Up to	6.2	31,002
Up to	6.4	31,866
Up to	6.6	32,694
Up to	6.8	33,571
Up to	7.0	34,418
Up to	7.2	35,266
Up to	7.4	36,112
Up to	7.6	36,960
Up to	7.8	37,932
Up to	8.0	38,624
Up to	8.2	39,458
Up to	8.4	40,289
Up to	8.6	41,123
Up to	8.8	41,940
Up to	9.0	42,757
Up to	9.2	43,577
Up to	9.4	44,394

Up to	9.6	45,211
Up to	9.8	46,028
Up to	10.0	46,830
Up to	10.5	48,845

**BUILDING PERMITS (continued)**

<i>Valuation Millions of Dollars</i>		<i>Permit Fee</i>
Up to	11.0	50,848
Up to	11.5	52,834
Up to	12.0	54,820
Up to	12.5	56,776
Up to	13.0	58,733
Up to	13.5	60,672
Up to	14.0	62,616
Up to	14.5	64,544
Up to	15.0	66,456
Each .5M over 15.0M		1,800.00

**MISCELLANEOUS PERMIT FEES**

<b>PERMIT TYPE</b>	<b>FEE</b>	<b>REMARKS</b>
Demolition, single-family and accessory structures	\$120	Each building or structure
Demolition, all others	240	Each building or structure
Driveway apron	48	Includes two inspections
Excavation Deposit (public right-of-way)	25	Per Square Foot of Paved Area (\$750 minimum and \$5,000 maximum)
	5	Per Square Foot of Grass Parkway (\$250 minimum and \$5,000 maximum)
Excavation Permit (public right-of-way)	100	Includes inspections
Fence Permit	48	Includes inspection
Foundation or Footing Permit or Letter	100	Value of foundation to be included in building permit calculation
Grading permit	150	Includes two inspections
Moving of building permit (building type permit)	500	Or \$0.50/foot of route along public right-of-way from property line to property line, whichever is greater plus regular building permit
Parking Lot Permit	100	Includes one inspection

Valuation of Valuation of system cost under

PERMIT TYPE	FEE	REMARKS
Sprinkler (fire) permit (building type permit)	total cost	Building Permit Fees plus Fire Department fees for processing, review, and inspections.
Tap Destroy (plumbing type permit)	50	Each
Tree Maintenance	48	Each Includes inspection
Underground tank removal (demolition type permit)	120	Each tank

#### ADMINISTRATIVE FEES

Fees for administrative and inspection activities necessary for the enforcement of various codes are listed in the following tables:

**TABLE I - ADMINISTRATIVE FEES**

ITEM	FEE	REMARKS
Amending permits	\$30	Plus difference for added work. No refund.
Architectural Review Board Review	\$200	Building applications in B-2 & B-5 zoning districts, multi-family reviews
	\$150	New single-family residence
	\$100	Accessory structures and additions to single-family residences
	\$100	Sign permit (see Sign Permits)
	\$240	Sign variance request
Board of Building Appeals hearing	\$240	
Board of Adjustment hearing	\$240	Additions and alterations to existing single-family and accessory structures to existing single-family residences such as sheds, garages, and swimming pools
Board of Adjustment hearing	\$500	All others not listed above
Building escrow for a temporary occupancy permit	\$75	
Inspections, extra inspections, and re-inspections	\$48	Each
Property maintenance (re-occupancy) inspections for single family and two family	\$75	Includes initial inspection and two follow-up inspections
Property maintenance (re-occupancy) inspections for apartments, condominiums, or other three or more family dwelling units	\$40	Includes initial inspection and one follow-up inspection
Property maintenance (re-occupancy) inspections for non-residential properties (commercial, business, industrial, institutional, etc)	\$100	Includes initial inspection and two follow-up inspections
Service charge for refund	\$24	Maximum refund 50% of total permit fee
Subcontractor transfer	\$54	



**TABLE 2 - APPLICATION FEES**

ITEM	FEE
Zoning Change	\$1,000
Zoning Code Amendment	\$1,000
Special Use Permit	\$1,000
Special Use Permit Amendment	\$1,000
Site Plan Review	\$1,000
Site Plan Review Amendment	\$800
Site Plan Review Extension	\$300
Performance Guarantee for Site Plan Review	10% of first \$10,000 of performance guarantee plus 2% exceeding \$10,000
Preliminary Site Plan Review, Mixed Use in B2, More than 5 acres (Includes site plan review)	\$1,000 + \$25/acre or portion over one acre
Final Site Plan Review, Mixed Use in B2, More than 5 acres	\$500
Amend Final Site Plan of a Mixed Use development plan in B2, More than 5 acres (when a public hearing is not required)	\$300
Preliminary B4 Development Plan (Includes site plan review fee)	\$1,000 + \$100/acre or portion over one acre
Final B4 Development Plan	\$1,000
Amend Final Site Plan of an approved B4 Development Plan (when a public hearing is not required)	\$1,000
Preliminary B5 Development Plan (Includes site plan review fee)	\$1,000 + \$100/acre or portion over one acre
Final B5 Development Plan	\$1,000
Amend Final Site Plan of an approved B5 Development Plan (when a public hearing is not required)	\$500
Preliminary Community Unit Plan (Multi-family, Includes site plan review fee)	\$1,000 + \$20/dwelling unit
Preliminary Community Unit Plan (Single-family, Includes site plan review fee)	\$1,000 + \$500/lot
Final Community Unit Plan (Type A, single- or multi-family)	\$100/Lot + 1.25% of public improvement guarantee + \$30/foot sidewalk waiver fee
Amend Site Plan of an approved Community Unit Plan Type A	\$800 (with Public Hearing) \$500 (without Public Hearing)
Final Community Unit Plan (Type C, multi-family)	\$500 + 1.25% of public improvement guarantee
Amend Site Plan of an approved Community Unit Plan Type C	\$800 (with Public Hearing) \$500 (without Public Hearing)
Final Community Unit Plan Time Extension (Type A or C)	\$300
Preliminary Subdivision Plat	\$500/Lot
Final Subdivision Plat	\$100/Lot + 1.25% of public improvement guarantee + \$30/foot sidewalk waiver fee
Amend Final Development Plan of approved	\$200

ITEM	FEE
subdivision plat	
Consolidation Plat or Boundary Adjustment Plat	\$100 + \$500 Deposit for copy of recorded plat to City
Condominium Plat	\$100 + \$500 Deposit for copy of recorded plat to City
New Single-Family Residential Site Plan Review	\$500 with submittal of performance guarantee
Vacation of Easement	\$75
Vacation of Dedicated Public Right-of-Way	\$100
Letter of Credit (performance guarantee) Extension	\$100

**MECHANICAL – BUILDING COMMISSIONER**

**Mechanical equipment permit fees.**

A processing fee of twenty-five dollars (\$25) shall be charged for each permit processed. At the option of the city the mechanical permit fee may be calculated by either the cost of construction method as outlined in section 5-103 or by use of the following schedule of unit prices except that all integrated permits shall be priced as provided in section 5-103.

- (1) Forty-eight dollars (\$48) for each of the first five (5) of the following units and six dollars (\$6) for each additional unit:

Duct furnace	Blower
Duct heater	Fan
Forced air furnace	Broiler
Gravity air furnace	Fryer, fat
Radiant heating system	Griddle
Space heater	Grill
Unit heater	Kettle (gas-fires)
Conveyor (power-operated)	Oven (baking or roasting)
Range (commercial size)	Dry cleaning unit
Refuse chute	Infrared heater
Crematory	Water heaters over 20 gallons
Fireplace	Storage tanks
Incinerator	Unfired pressure vessel
Kiln	Tanks over 500 gallons
Fire damper	Cooling towers
Smoke damper	Emergency generators
Clothes dryer	Makeup air heater

- (2) For each unit of the following categories of mechanical equipment, on commercial and industrial work, inspection and review fee shall be as follows:

<i>Air conditioning and air handling ventilating units:</i>	<i>Fee</i>
Up to 10,000 cfm system .....	\$ 48
10,001 to 15,000 cfm system .....	60
Over 15,000 cfm system .....	72

- (3) *Boilers:*

Low pressure heating boilers (steam fifteen (15) psig or less, hot water one hundred sixty (160) psig or less, and less than two hundred fifty (250) degrees Fahrenheit):

<i>Unit Input Capacity</i>	<i>Fee</i>
Less than 500 MBH .....	\$ 48
501 to 1,000 MBH .....	60
Over 1,000 MBH .....	72

High pressure boilers (steam over fifteen (15) psig, hot water over one hundred sixty (160) psig and over two hundred fifty (250) degrees Fahrenheit):

<i>Unit Heating Surface Capacity</i>	<i>Fee</i>
Less than 200 sq. feet.....	\$ 48
201 to 2,000 sq. feet.....	60
Over 2,000 sq. feet.....	72

*Note:* 33,475 Btu = 1 hp (boiler horsepower) 240 Btu — 1 edr (equivalent direct radiations)

*Elevators, escalators, and Moving walks: (BY ST. LOUIS COUNTY)*

*Exhaust systems:*

<i>Unit Description</i>	<i>Fee</i>
Commercial hood exhaust.....	\$ 48
Smoke removal exhaust .....	48
Dust and/or vapor exhaust.....	48

*Refrigerator systems:*

<i>Unit Description</i>	<i>Fee</i>
Up to 100 tons.....	\$ 48
Up to 300 tons.....	60
301 to 1,000 tons.....	72
Over 1,000 tons.....	84

- (4) The minimum total permit fee shall be fifty dollars (\$50) where no plan review is required, and seventy-two (\$72) where plan review is required.

**Self-contained prefabricated fireplace permit fees.**

Permit processing, plan review and inspection charges for the installation, modification, or replacement of self-contained, prefabricated fireplaces, in projects not subject to integrated permit, shall be covered by a permit fee of sixty-two (\$62) which shall include one (1) inspection. A forty-eight dollar (\$48) fee shall be charged for each additional inspection required.

**Replacement of heating and air conditioning equipment permit fees.**

Permit processing and inspection charges for replacement of heating and air conditioning equipment shall be sixty-two (\$62) per unit which shall include one (1) inspection. A forty-eight dollar (\$48) fee shall be charged for each additional inspection required.

**Mechanical periodic inspection fees.**

Inspection and processing charge for mechanical periodic inspections at the frequency required by the Mechanical Code shall be covered by inspection fees as follows:

<i>Type of Equipment or Devices</i>	<i>Inspection Per Unit</i>
Air handlers.....	\$ 72
Air conditioning, up to 300 tons, under 15,000 cfm .....	60
Air conditioning, 301 to 1,000 tons, 15,000 to 40,000 cfm .....	72
Air conditioning over 1,000 tons, over 40,000 cfm .....	84
Amusement devices and kiddie rides <i>(By St. Louis County Permit)</i>	
Auto lifts .....	48

**Mechanical periodic inspection fees.**

Boilers .....	72
Conveyor, power-operated.....	48
Dumbwaiters .....	72
Elevator..... <i>(By St. Louis County Permit)</i>	
Emergency generator .....	84
Escalators <i>(By St. Louis County Permit)</i>	
Fan (ventilation) exhaust over 5,000 cfm or 36 inch in diameter .....	48
Water heater over 120 gallons.....	48
Storage tanks over 120 gallons .....	48
Incinerators.....	48
Kitchen exhaust over 5,000 cfm.....	60
Moving walks <i>(By St. Louis County Permit)</i>	
Unfired pressure vessels.....	48
Unfired pressure vessel, with manhole .....	48
Refrigeration up to 100 tons.....	60
Refrigeration 101 to 300 tons.....	72
Refrigeration 301 to 1,000 tons.....	72
Refrigeration over 1,000 tons.....	90
Miscellaneous hoisting equipment.....	48

**PLUMBING – BUILDING COMMISSIONER**

**Plumbing inspection and permit fees.**

(a) *Calculation of fee.* At the option of the city the plumbing or sewer permit fee may be calculated by either the cost-of-construction method as outlined in section 5-103 or by use of the following schedule of unit prices except that all integrated permits shall be priced as provided above in section 5-103.

(b) *Processing fee; minimum fees.* All permits, except domestic water heater replacements, shall be subject to a twenty-five dollar (\$25) permit processing fee. The minimum total permit fee shall be thirty dollars (\$30.00) where no plan review is required, and seventy-two dollars (\$72) where plan review is required.

(c) *General inspection fees.* General inspection fees for each inspection performed shall be forty-eight dollars (\$48).

(1)	All domestic water heater replacements (total fee).....	\$ 24
(2)	The building sewer from the building to the septic tank shall be inspected before any part of the sewer pipe is covered. All filter trenches, absorption trenches and filter beds shall be inspected as the work progresses and in accordance with the schedule outlined below:	
	Inspection fees for each inspection of a sewage disposal system .....	48
	Extra fee or additional inspection fee.....	48
	Inspection of pipes for sewer mains, trunks, laterals and appurtenances per lineal foot: In addition to general inspection fee of \$48, \$0.36 per foot with a minimum charge of \$50.	
	Inspection of manholes, lampholes or catch basins: In addition to general inspection fee of \$48, \$6 per manhole, lamphole, or catch basin with a minimum charge of \$18.	
	Plumbing fixtures.....	5

**Plumbing inspection and permit fees (continued)**

	Openings for future fixtures.....	5
	Advising or investigation inspections .....	48
	Any additional inspections or reinspections of any work listed on the above schedule.....	48

**ELECTRIC – BUILDING COMMISSIONER**

**Electric fee schedule.**

(a) *Calculation of fee.* At the option of the applicant, permit and inspection fees for all electrical work shall be calculated by the cost of construction method as outlined in section 5-103 or by use of the following schedule of unit prices, except that integrated permits shall be priced as provided in section 5-103. General inspection fees for each inspection performed shall be forty-eight dollars (\$48).

(b) A permit processing fee of \$25 shall be charged for each permit processed.

**ELECTRICAL PERMIT FEES – BUILDING COMMISSIONER**

<i>Item</i>	<i>First Unit</i>	<i>Each Additional Unit</i>
Electrical outlets (see note 1) .....	\$ 6.00	\$ 0.40
Elevators: a. Per floor.....	5.00	0.40
b. Per car .....	5.00	0.40
Service equipment (see note 2)		
a. Applied to service up to and including 200 ampere.....	8.00	4.00
b. Service over 200 ampere and up to and including 400 ampere.....	15.60	7.00
c. Service over 400 ampere .....	39.60	13.00
Motors: a. Less than 5 h.p. ....	6.00	0.40
b. 5 h.p. or greater .....	6.00	3.00
Panel board switches/switchboard sections.....	6.00	3.00
Transformers .....	8.00	3.00

X-rays.....	8.00	7.00
Carnivals, per each new location .....	<i>(Under St. Louis County Permit for amusement rides)</i>	
Residential new construction	Integrated permit	
Residential rewire:		
a. Service installed .....	\$ 24.00	\$16.00
b. Service not installed .....	24.00	10.00
Reinspections:		
a. Union electric .....	15.60	
b. Disconnected service .....	24.00	
c. Old installations .....	24.00	
Communication systems:		
a. Amplifiers .....	8.00	1.00
b. Telephones .....	8.00	1.00
c. Television antenna .....	8.00	1.00
d. Burglar alarm .....	8.00	N/A
Cable television:		
a. Head-end station, per street mile.....	3.60	
b. Power booster.....	31.20	31.00
Electric heat, per 10 kw.....	4.80	1.00

(b).....Notes.

- (1) *Electrical outlets.* Each and every point on the electrical system where power or light is derived for any purpose whatsoever. In computing outlets for fluorescent fixtures, each fixture shall be counted as an electrical outlet.
- (2) *Service equipment.* Each and every point on the electrical system where power is derived from the public utility system or a private generating plant.

### ELECTRIC RATES

Class R (Residential)  
Bill Code E1

(Effective: April 1, 2016-2017 through ~~March 31, 2017~~)

Each users charge shall be the total of the customer charge plus an energy charge:

Summer Rate (Applicable during four (4) monthly billing periods of June through September)

Customer Charge, per month .....	\$ 8.03
Energy Charge, per kWh.....	10.5¢

Winter Rate (Applicable during eight (8) monthly billing periods of October through May)

Customer Charge, per month .....	\$8.03
Energy Charge, per kWh.....	9.45¢

- (1) Budget billing. A budget billing payment plan will be available to all residential customers. To maintain eligibility in the plan, the budget amount must be paid monthly unless other arrangements have been made with the City's Director of Finance. Customers may request

discontinuance of the plan at any time by contacting Customer Service. Monthly budget payments may be adjusted during the plan year to compensate for changes in usage, climate, or rates.

The total monthly bill to each multiple-occupancy residential building to which service is delivered and metered at one point shall be equal to the total number of dwelling units therein multiplied by the bill per dwelling unit, which bill per dwelling unit shall be calculated by applying the applicable residence rate to the average kilowatt-hour use per dwelling unit (equal to the total building use divided by the number of dwelling units, rounded to the nearest kilowatt-hour.) Electrical use for common building services such as hall lights, elevators and laundry areas used exclusively by tenants may be metered and billed through the main building meter.

Purchase Power Adjustment (Rider PPA). A purchased power adjustment will be applicable to all metered kilowatt-hours (kWh) of energy if approved by City Council. The current PPA shall be zero.

Class P (Primary Service)

Bill Code E2

**(Effective: April 1, 2017)**

Each users charge shall be the total of the customer charge, plus the demand charges, plus the energy charge.

Summer Rate (Applicable during four (4) monthly billing periods of June through September)

Customer charge - per month .....	\$308.77
Energy charge - per kWh .....	10.5¢
Demand charge - per kW of Billing Demand .....	\$17.29
Reactive charge - per kvar .....	30¢

Winter Rate (Applicable during eight (8) monthly billing periods of October through May)

Customer charge - per month.....	\$308.77
Energy charge - per kWh .....	9.45¢
Demand charge - per kW of Billing Demand .....	\$7.85
Reactive charge - per kvar .....	30¢

1. Rate Application. This rate is applicable to primary service supplied by the City.
2. Character of service supplied. City will specify and supply a standard three-phase alternating current primary service voltage.
3. Cumulation of services. Service taken through each meter by the same customer on the same premises under this service classification will be cumulated for billing purposes. Such additional service, if any, supplied through facilities installed on and after January 1, 1991, will not be cumulated or otherwise combined for billing purposes with any other service supplied to customer.
4. Demand meters. City will install demand meters for the measurement of demands.
5. Demand: The billing demand in any month will be the highest fifteen-minute demand established during the month, but in no event less than 100 kW.

Purchase Power Adjustment (Rider PPA). A purchased power adjustment will be applicable to all metered kilowatt-hours (kWh) of energy if approved by City Council. The current PPA shall be zero.

Class GS-A (Small General Service)

Bill Code E3

(Effective: April 1, 2017)

Each users charge shall be the total of the customer charge plus an energy charge:

Summer Rate (Applicable during four (4) monthly billing periods of June through September)

Customer Charge	
Single-Phase, per month .....	\$9.33
Energy Charge, per kWhkWh.....	10.5¢

Winter Rate (Applicable during eight (8) monthly billing periods of October through May)

Customer Charge	
Single-Phase Service, per month .....	\$ 9.33
Three-Phase Service, per month .....	\$18.56
Energy Charge	
Base Use, per kWhkWh.....	9.45¢
Seasonal Use (1), per kWhkWh.....	9.497¢

(1) The winter seasonal energy use shall be all kWhkWh in excess of one thousand (1,000) kWhkWh per month and in excess of the lesser of: (a) The kWhkWh use during the preceding May billing period, or (b) October billing period, or (c) the maximum monthly kWhkWh use during any preceding preceding summer month.

1. Rate application. This rate is applicable to all secondary service supplied for general use which does not qualify for any other secondary rate.
2. Character of service supplied. City will specify and provide a standard single-and/or three-phase alternating current secondary service voltage.
3. Cumulation of services. Service taken through each meter by the same customer on the same premises under this service classification will be cumulated for billing purposes. Additional service, if any, supplied through facilities installed on and after January 1, 1991, will not be cumulated or otherwise combined for billing purposes with any other service supplied to customer.
4. Customers without prior billing determinants. Customers on this rate who did not have sufficient use during preceding billing periods to establish their base use for the winter billing season will be billed entirely on the base rate unless electric heating supplies the customer's entire space heating requirements, in which case 1/2 of all use in excess of 1,000 kWh will be billed on the base rate and 1/2 on the seasonal energy rate.
5. Budget billing. A budget billing payment plan will be available to all small general service customers. To maintain eligibility in the plan, the budget amount must be paid monthly unless other arrangements have been made with the City's credit and utility billing supervisor. Customers may request discontinuance of the plan at any time by contacting Customer Service. Monthly budget payments may be adjusted during the plan year to compensate for changes in usage, climate, or rates.

Purchase Power Adjustment (Rider PPA). A purchased power adjustment will be applicable to all metered kilowatt-hours (kWh) of energy if approved by City Council. The current PPA shall be zero.



GS-B (Large General Service)

Bill Code E4

(Effective: April 1, 2017)

Each users charge shall be the total of the customer charge plus the demand charges, plus the energy charge subject to the limitation indicated.

Summer Rate (Applicable during four (4) monthly billing periods of June through September)

Customer Charge, per month ..... \$80.89

Energy charge, per kWhkWh-per-kWh ..... 10.5¢

Demand Charge: Total Billing Demand, per kWkW ..... \$4.15

Winter Rate (Applicable during eight (8) monthly billing periods of October through May)

Customer Charge, per month ..... \$80.89

Base Energy Charge, per kWhkWh ..... 9.45¢

Demand Charge: Total Billing Demand, per kWkW ..... \$1.54

~~1. Rate Application. This rate is applicable to all secondary service to (1) any non-residential customer whose billing demand in any summer month exceeds one hundred (100) kW; or (2) at customer's request, to any other non-residential customer.~~

1. Rate application. This rate is applicable to all secondary service to any nonresidential customer whose billing demand in any summer month exceeds 100 kW; or at customer's request, to any other nonresidential customer.

2. Character of service supplied. City will specify and provide a standard single- and/or three-phase alternating current secondary service voltage.

3. Demand:

a) Billing demand. The monthly billing demand shall be the maximum demand measured during the month but in no event less than 100 kW.

b) Energy billing demand. Customer's billing demand shall be used to apportion customer's kilowatt hours to the kWh per kW energy rate steps for metered demands of 100 kW or greater. Where metered demands are less than 100 kW, the metered demand shall be used as the billing demand for purposes of apportioning kilowatt hours only.

c) Base billing demand. The base billing demand shall be the lesser of: the customer's billing demand established during the preceding May billing period, or October billing period; or the maximum billing demand established during the preceding summer billing period, but in no event less than 100 kW.

d) Seasonal billing demand. The seasonal billing demand shall be the customer's winter billing demand in excess of the customer's base billing demand.

e) Base and seasonal energy apportioning. The kilowatt hours for each winter billing period shall be apportioned to the base and seasonal energy rate steps in the same proportion as customer's base and seasonal billing demands.

f) Rate limitation. The sum of the demand and energy charges shall be limited to the rate limitation times customer's metered kilowatt-hours, but in no event shall be less than 100 kW times the base demand charge plus the customer's metered kilowatt hours times the energy charge.

g) Application of rate limitation to customer with seasonal demand. If a customer is billed any kW of seasonal demand in a winter billing period, the kWh's for that billing period shall be apportioned between base use and seasonal use in the same

proportion as base demand and seasonal demand, and a separate rate limitation applied to base use and seasonal use.

- h) Demand meters. When normal use of an existing customer or the estimated use of a new customer exceeds 25,000 kWh per month, or City has reason to believe that customer's summer demand exceeds 100 kW regardless of his kWh use, City will install a demand meter and measure customer's demands.
- 4. Cumulation of services. Service taken through each meter by the same customer on the same premises under this service classification will be cumulated for billing purposes. Additional service, if any, supplied through facilities installed on and after January 1, 1991, will not be cumulated or otherwise combined for billing purposes with any other service supplied to customer.
- 5. Customers without prior summer use. Customers on this rate who did not establish a demand during at least one of the June, July, August or September billing periods shall be billed during the succeeding winter billing periods entirely on the base demand charge.

Purchase Power Adjustment (Rider PPA). A purchased power adjustment will be applicable to all metered kilowatt-hours (kWh) of energy if approved by City Council. The current PPA shall be zero.

Class OL (Outdoor Lighting)  
City-Owned:

CITY OWNED

Type of Fixture	Lumens	Approved Type*	Rate Per Month
Mercury Vapor	6,800	B	\$7.60
Mercury Vapor	6,800	D	\$15.91
Mercury Vapor	11,000	B	\$11.63
Mercury Vapor	20,000	C	\$15.75
Mercury Vapor	54,000	C	\$24.91
High Pressure Sodium	9,500	B	\$7.60
High Pressure Sodium	9,500	D	\$15.91
High Pressure Sodium	16,000	B	\$12.80
High Pressure Sodium	25,500	C	\$15.75
High Pressure Sodium	50,000	C	\$24.91

Metal Halide 35 Watt decorative	\$5.20
Metal Halide 70 Watt decorative	\$6.42
Metal Halide 100 Watt decorative	\$10.60
Metal Halide 175 Watt decorative	\$14.30
Metal Halide 250 Watt decorative	\$19.81

\*All decorative Metal Halide fixture prices include black fiberglass pole.

Metal Halide 250 Watt Shoe Box	\$18.71
Metal Halide 400 Watt Shoe Box	\$22.58
Metal Halide 1000 Watt Shoe Box	\$49.15

\*All Shoe Box fixtures include pole.

Metal Halide 250 Watt Flood	\$15.79
Metal Halide 400 Watt Flood	\$19.66
Metal Halide 1000 Watt Flood	\$46.23

	Rate Per Month
Pole: 30 to 40 feet as required, per pole .....	\$7.68
Fiberglass Standard 30 feet, per pole .....	\$11.19
Ornamental Concrete, per pole .....	\$17.21

Wire: Standard, 2 cord, per span .....	\$2.38
Guy and Anchor, per set .....	\$2.07
Underground cable installed in and under dirt, per foot .....	7.06
All other underground cable installations, per foot.....	13.45¢

\*

- B: Standard side mounted, luminaire hood with open bottom glassware.
- C: Pole mounted, directional, mercury vapor luminaire; limited to installation on existing wood pole accessible to Electric Department basket truck and provided that capacitors, sectionalizers, regulators, cable terminations or 34.5 kV switches are not mounted on such pole.
- D: Post-top mounted, enclosed, luminaire, including standard post; limited to installations taken under 10 year contracts only.

Purchase Power Adjustment (Rider PPA). The kilowatt hours for lighting service provided under the terms of this rate shall be subject to the purchase power adjustment (Rider PPA). The kilowatt hour consumption of each lamp whole operating hours are determined by a photoelectric control, shall be determined from the manufacturer's rated wattage multiplied by the number of hours of operation for the month, in accordance with the following schedules:

Lamp Size (Lumens)	Rating (Watts)	Billing Month	Burning Hours
<u>H. P. Sodium</u>		January	408
9,500	120	February	347
16,000	202	March	346
25,500	307	April	301
50,000	482	May	279
		June	255
		July	272
		August	298
<u>Mercury Vapor</u>		September	322
6,800	207	October	368
11,000	294	November	387
20,000	455	December	417
54,000	1080		

Customer-Owned: Rates per fixture per month unmetered.

Monthly Rate for Metered Service

Customer Charge Per Meter	\$5.17 per month
Energy Charge	3.49¢ per kWh

Rate Per Unit Per Month for Unmetered Service

Customer Charge per account	\$5.17 per month
-----------------------------	------------------

HIGH PRESSURE SODIUM Lumens	ENERGY & MAINTENANCE*	ENERGY ONLY
9,500	\$2.78	\$1.35
16,000	\$3.85	\$2.29
25,500	\$4.84	\$3.45
50,000	\$6.98	\$5.41
 MERCURY VAPOR		
6,800	\$3.62	\$2.32
11,000	\$4.89	\$3.30

20,000	\$6.49	\$5.10
54,000	\$13.68	\$12.13

\*Kirkwood will furnish energy, replace lamps and adjust or replace photo cell. Available to customers with three (3) or more lights.

Purchase Power Adjustment (Rider PPA). The kilowatt hours for lighting service provided under the terms of this rate shall be subject to the purchase power adjustment (Rider PPA). The kilowatt hour consumption of each lamp whole operating hours are determined by a photoelectric control, shall be determined from the manufacturer's rated wattage multiplied by the number of hours of operation for the month, in accordance with the following schedules:

Lamp Size (Lumens)	Rating (Watts)	Billing Month	Burning Hours
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<u>Mercury Vapor</u>		September	322
6,800	207	October	368
11,000	294	November	387
20,000	455	December	417
54,000	1080		

METER ADJUSTMENT  
(MA)

ADJUSTMENTS OF METER READINGS FOR METERING AT A  
VOLTAGE NOT PROVIDED FOR IN RATE SCHEDULES

Where service is metered at a voltage other than the voltage provided for under the applicable rate schedule, an adjustment in both the kilowatt-hour and kilowatt meter readings for the total service will be made as follows:

- (1) Primary delivery metered at secondary voltage: add 0.0068% to the secondary meter readings.
- (2) Secondary delivery metered at primary voltage: deduct 0.0068% from the primary meter readings. Where City provides additional distribution facilities beyond its primary meter (limited to existing connections) said service shall be billed on City's primary service rate and no adjustment shall apply.

City shall not be required to provide any distribution facilities beyond the metering point except when required for engineering or other valid reasons.

GARBAGE AND TRASH FEES  
Effective April 1, 2017

<u>Collections from Residential Properties</u>					
		<b>BASIC RESIDENTIAL SERVICES:</b>			
		<b>Curbside Service</b>	<b>Rear Yard Service</b>		

		\$20.50 Five (5) disposable bags One (1) recycling cart One (1) roll of bags/year	\$35.25 Three (3) cans - provided by resident One (1) recycling cart One (1) roll of bags/year		
<b>SPECIAL RESIDENTIAL SERVICES:</b>					
<b>Yard Waste Bags</b>	<b>Yard Waste Stickers</b>	<b>Special Pick Ups</b>	<b>Container Rental Services</b>		
\$10.50/PKG OF 5	\$1.75/EA	\$20 Per Item Or \$20 Per 2 Cu. Yds. For Misc. Items BY APPOINTMEN T	<b>SIZE</b>	<b>FEE</b>	<b>EXTRA DUMP</b>
			2 Cu. Yds.	\$105	\$70
			4 Cu. Yds.	\$175	\$105
			6 Cu. Yds.	\$240	\$140
			30 Cu. Yds. 23.5' X 8' X 6.5' (L-W-H)	\$280	\$40/ton over three (3) ton
			<b>BY APPOINTMENT</b> - Base Fee includes Off Street Delivery to front yard/building line, 7-day rental and one (1) dump. \$50/7-day rental after initial 7 days. Delivery beyond front building line is additional \$50.00. Materials <u>excluded</u> : yard waste, concrete, bricks, rock, gravel and dirt.		

### LIQUOR LICENSES

**Licenses and fees.**

The following licenses for the sales indicated shall be issued pursuant to the provisions of this division at an annual fee as indicated:

- (a) Intoxicating liquor by the drink:
- |                                    |          |
|------------------------------------|----------|
| Sale any day except Sunday .....   | \$450.00 |
| Sunday sales, additional fee ..... | 100.00   |
- (b) Intoxicating liquor, retail sales in the original package, not to be consumed on the premises where sold:
- |                                    |          |
|------------------------------------|----------|
| Sales any day except Sunday .....  | \$150.00 |
| Sunday sales, additional fee ..... | 300.00   |
- Establishments licensed to sell intoxicating liquor in the original package may apply for and obtain a license to conduct wine tastings on the premises of the licensed establishment for an additional fee .....
- |  |         |
|--|---------|
|  | \$25.00 |
|--|---------|

- (c) Malt liquor by the drink:
  - Sales any day except Sunday .....\$200.00
  - Sunday sales, additional fee .....300.00
- (d) Malt liquor, retail sales in the original package, not to be consumed on the premises where sold ..... 22.50
- (e) Malt liquor and/or wine, by the drink, daily permit issued only to churches, schools, civic, service, fraternal, veteran, political or charitable club or organization for such sales at a picnic, bazaar, fair or similar gathering. (Such permit shall be issued only for specific days named therein. No such organization may obtain permits for more than seven (7) days per year, which year shall commence on the first day any such permit is issued to any such club or organization):
  - Original permit per year .....25.00
  - Each day in excess of one day per year..... 10.00
- (f) Wine, containing not in excess of fourteen (14) per cent alcohol by weight and malt liquor containing alcohol in excess of three and two-tenths (3.2) per cent by weight and not in excess of five (5) per cent by weight by the drink:
  - Sale any day except Sunday .....225.00
  - Sunday sales, additional fee .....300.00
- (g) Wholesaler or distributor of intoxicating liquor of all kinds to a person duly licensed to resale such intoxicating liquor, three-hundred seventy-five dollars (\$375.00) per annum.
- (h) Wholesaler or distributor of intoxicating liquor not in excess of twenty-two percent (22%) alcohol by weight to a person duly licensed to resale such intoxicating liquor, one hundred fifty dollars (4150.00) per annum.
- (i) Wholesaler or distributor of malt liquor containing not in excess of five percent (5%) alcohol by weight, seventy-five dollars (\$75.00) per annum.

**Annual license fees established; to be in lieu of portion of merchant's ad valorem tax.**

- (a) The annual license fees for licenses required by this division are as follows:
  - (1) For the manufacture or brewing of nonintoxicating beer.....\$375.00
  - (2) For the sale by any distributor or wholesaler other than the manufacturer or brewer thereof of nonintoxicating beer ..... 25.00
  - (3) For the sale of nonintoxicating beer at retail for consumption on the premises where sold ..... 37.50
  - (4) For the sale of nonintoxicating beer by grocers and other merchants and dealers, for sale in the original package direct to the consumer, but not for resale, and not to be consumed on the premises where sold ..... 22.50
- (b) The annual license fees charged pursuant to subsection (a) are in lieu of the proportionate part of any merchant's license fee and ad valorem tax for stock and sales of non-intoxicating beer under this Code and the value of stocks of non-intoxicating beer and the aggregate amount of sales thereof made by any licensee shall not be returned by such merchant for purposes of merchant's license or ad valorem tax, nor shall such stock or sales be included in the computation of any merchant's license or ad valorem tax.

## PARKS AND RECREATION FEES

User fees for park and recreational facilities not to exceed the following maximum rates.

The following identified fees shall be assessed for the use of the described facilities under the jurisdiction of the department of parks and recreation:

	<i>Resident</i>	<i>Nonresident</i>
<b>(a) Aquatic Center fees</b>		
Adult Daily Pass.....	\$5.00	\$ 8.00
Youth Daily Pass.....	5.00	8.00
Senior Daily Pass .....	4.00	8.00
Season Pass, Family of Three .....	210.00	315.00
Additional Family Member.....	20.00	30.00
Adult Season Pass (18-64).....	95.00	145.00
Youth Season Pass (4-17).....	80.00	120.00
Senior Season Pass (65+).....	80.00	145.00
Nonresident Pool ID Card.....		30.00
<b>(b) Racquet Sports Court Fees:</b>		
Daily Permit .....	4.00	6.00
Daily Permit, Senior .....	3.00	6.00
Individual Season Pass .....	40.00	60.00
Individual Season Pass, Senior.....	25.00	60.00
Family of Three Season Pass .....	80.00	120.00
Additional Family Member.....	10.00	15.00
<b>(c) Ice rink fees: (Effective April 1, 2018)</b>		
Single Session Youth (4-17) .....	4.00	5.00
Single Session Adult (18-64) .....	4.00	5.00
Single Session Senior Citizen (65+) .....	3.50	4.50
Skate Rental .....	2.00	2.00
Prime Rink Rental (per hour).....	220.00	220.00
<b>(d) Fees may be assessed per participant per program, session or event for all programs offered by, or in conjunction with the Kirkwood Parks and Recreation Department in an amount to be determined by the Director of Parks and Recreation.</b>		

## COMMUNITY CENTER RENTAL FEES

<b>Facility</b>	<b>Resident/Merit Group</b>	<b>Non-resident</b>
Small Room, per hour*	\$30.00 (\$30.00)	\$45.00 (\$40.00)
Large Room, per hour*	\$40.00 (\$40.00)	\$60.00 (\$50.00)
East Gym, per hour	\$50.00 (\$50.00)	\$75.00 (\$65.00)
East Gym, per day (10 hours)	\$470.00 (\$470.00)	\$705.00 (\$600.00)

West Gym, per hour	\$60.00 (\$60.00)	\$90.00 (\$85.00)
West Gym, per day (10 hours)	\$575.00 (\$575.00)	\$850.00 (\$700.00)
Theater, per day rehearsal	\$150.00 (\$150.00)	\$225.00 (\$200.00)
Theater, per day performance	\$600.00 (\$600.00)	\$900.00 (\$800.00)
Extra Show Fee, per show	\$100.00 (\$100.00)	\$150.00 (\$125.00)
Large Group Fee, per day	\$50.00 (\$50.00)	\$75.00 (\$50.00)

\*Merit groups receive half price rates for room rentals (not applicable for gyms or theater)

Current fees shown in parentheses

- (1) An extra \$50 fee per use will be assessed for groups of 300 or more utilizing rooms or gymnasiums in the Community Center.

### WATER RATES

**Water rates.**

- (a) Except as provided herein, water furnished to all customers by the City shall be metered. Charges for such water shall be as follows:

#### MINIMUM CUSTOMER CHARGE

<u>METER SIZE</u>	<u>MONTHLY</u>
5/8"	\$ <del>10.13</del> 10.84
3/4"	\$ <del>11.34</del> 12.10
1"	\$ <del>13.70</del> 14.66
1-1/2"	\$ <del>19.60</del> 20.97
2"	\$ <del>26.67</del> 28.54
3"	\$ <del>45.60</del> 48.79
4"	\$ <del>66.86</del> 71.54
6"	\$ <del>125.99</del> 134.81
8"	\$ <del>196.91</del> 210.69
10"	\$ <del>291.49</del> 311.89
12"	\$ <del>386.07</del> 413.10

*Water charge:* In addition to the minimum customer charge, for all water used as registered by the meter the charge is \$~~2.6297~~ 2.8138 per 100 cubic feet (748 gallons).

- (b) Customers with unmetered fire protection will be billed at the following rates based upon the size of tap in the Water Department's main.

<u>TAP SIZE</u>	<u>ANNUAL RATE</u>
2" or less	\$30.98
3"	100.49
4"	123.67
6"	278.26
8"	494.74
10"	773.07
12"	1,113.32



(2) Charges under this section (b) shall be paid monthly in advance. In addition to the tap size charge, fire service lines with detector meters will be billed as follows:

<u>METER SIZE</u>	<u>MONTHLY CHARGE</u>
5/8"	\$12.99
3/4"	14.01
1"	16.05

(c) Infrastructure Renewal Charge shall be billed monthly in accordance with the billing period for regular water service commencing on April 1<sup>st</sup>, 2015 and shall be determined as follows:

- (1) Infrastructure renewal charge - In addition to the regular water service and meter charge, for all water used as registered by the meter, the charge is \$1.04 per 100 cubic feet.
- (2) Large quantity users as defined in section (d) the infrastructure renewal charge rate is \$0.4487 per 100 cubic feet.

Billing for this service shall be in addition to charges for regular water service and meter charges.

(d) Charges for large quantity users shall be as follows:

- (1) Meter Charge - The charge for each month shall be based on the meter size or multiple meter sizes if more than one meter is installed as follows:

<u>Meter Size</u>	<u>Monthly Charge</u>
5/8"	\$ <del>9.23</del> <b>9.88</b>
3/4"	<del>10.33</del> <b>10.05</b>
1"	<del>12.46</del> <b>13.33</b>
1-1/2"	<del>17.86</del> <b>19.11</b>
2"	<del>24.32</del> <b>26.02</b>
3"	<del>41.55</del> <b>44.46</b>
4"	<del>60.93</del> <b>65.20</b>
6"	<del>114.79</del> <b>122.83</b>
8"	<del>179.42</del> <b>191.98</b>
10"	<del>265.60</del> <b>284.19</b>
12"	<del>351.76</del> <b>351.76</b>

- (2) Water Charge - In addition to the meter charge, for all water used as registered by the meter, the charge is ~~\$1.1345~~ **1.2139** per 100 cubic feet.
- (3) The Director of Public Services and the Finance Director must determine who qualifies for this Section (d) rate, which user must use not less than 60,000 cubic feet per month.
- (4) Charges pursuant to this section (d) shall be billed monthly.
- (5) In addition to the meter charge, a monthly user charge for any month shall be equal to the water charge rate, times the greater of 1) sixty percent (60%) of the maximum usage during any of the months of June, July, August or September in the twelve (12) month period preceding the month for which the charge is made or 2) 60,000 cubic feet or 3) actual usage as registered by the meter.

(e) In addition to the above rates, there will be imposed a seven and one half percent (7½%) of the gross receipts of persons selling or distributing water in the City of Kirkwood in accordance with Section 23-212 of the Code of the City of Kirkwood.

(f) The foregoing rates do not include any franchise, license, occupation, sales, or any other charges or taxes that might be imposed by any other provision of the Code of Ordinances.

**VEHICLE ACCIDENT REPORTS**

Vehicle Accident Reports may be obtained at the Kirkwood Police Department for a cost of \$6.00.

PASSED AND APPROVED THIS 6<sup>TH</sup> DAY OF JUNE 2019.

\_\_\_\_\_  
Mayor, City of Kirkwood

ATTEST:

\_\_\_\_\_  
City Clerk

# Legislation Request

## Resolution

Place On The Agenda Of: 6/6/2019

Step #1:

Strategic Plan NO

Goal # & Title :

### Background To Issue:

On June 7, 2018 the City Council approved Resolution 105-2018, establishing various city fee schedules relating to ambulance, building permits, parks and recreation user fees and utilities. Staff determined that the Electric and Water rates are currently located in both the Code of Ordinances as well as the Resolution. It was also determined that the Water rates are out of date and need to be made current.

### Recommendations and Action Requested:

Approve a Resolution amending and readopting the City of Kirkwood fee schedules to remove the Electric and Water rates from the Code of Ordinances and include them with the fee schedule Resolution, as well as update the Water rates and clean up the formatting of the Electric rates.

### Alternatives Available:

Cost: \$0.00

Account #: 000000

Project #:

Budgeted: YES

If YES, Budgeted Amount: \$0.00

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

### Department Head Comments:

BY: Laurie Asche

Date: 5/29/2019

Authenticated: aschelb

*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

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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:

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

Approve

Diasapprove

Chief Administrative Officer's Comments:

BY:



Date:

5-30-19

RESOLUTION 87-2019

A RESOLUTION AMENDING THE CONTRACT WITH N.B. WEST CONTRACTING CO., BY INCREASING THE CONTRACT AMOUNT BY \$186,262 FOR A NOT TO EXCEED AMOUNT OF \$552,936.80 FOR 2019 ULTRA-THIN BONDED ASPHALT WEARING SURFACE.

WHEREAS, the Engineering Department intended to utilize Hot-in-Place Recycling to resurface several streets in Fiscal Year 2020, and

WHEREAS, the Hot-in-Place Recycling is no longer a viable option and the Engineering Department will now utilize an ultra-thin bonded asphalt wearing surface on some of the streets, and

WHEREAS, the Director of Public Services is requesting an amendment of the contract with N.B. West Contracting Co. by \$186,262 for a total not to exceed amount of \$552,936.80 for 2019 Ultra-Thin Bonded Asphalt Wearing Surface, and

WHEREAS, funds are available in Account #301-1401-600.75.14, Project #PW2001.

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

SECTION 1. The contract with N.B. West Contracting Co. is hereby amended in the amount of \$186,262 for a not to exceed of \$552,936.80 for 2019 Ultra-Thin Bonded Asphalt Wearing Surface.

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

PASSED AND APPROVED THIS 6<sup>TH</sup> DAY OF JUNE 2019.

\_\_\_\_\_  
Mayor, City of Kirkwood

ATTEST:

\_\_\_\_\_  
City Clerk

# Legislation Request

## Resolution

Place On The Agenda Of: 6/6/2019

### Step #1:

Strategic Plan YES

Goal # & Title Goal #4 Improve Public Infrastructure; Objective A

### Background To Issue:

The Engineering Department intended to utilize Hot-in-Place Recycling to resurface several streets in FY20. This is no longer a viable option and the Engineering Department will now utilize an ultra thin bonded asphalt wearing surface on some of these streets. N.B. West contracting was originally awarded a contract for construction services with an authorized amount of \$336,674.80B. Engineering wishes to increase the authorized amount by \$186,262.00.

### Recommendations and Action Requested:

It is recommended the City Council increase the authorized amount of the contract with N.B. West Contracting, Co. by \$186,262.00 for a total authorized amount of \$522,936.80.

### Alternatives Available:

Cost: \$522,936.80 Account #: 30114016007514 Project #: PW2001 Budgeted: YES

If YES, Budgeted Amount: \$522,936.80 If NO, or if insufficient funding (Complete Step #3).

### Department Head Comments:

BY: Ted Dunkmann


Date: 5/28/2019

Authenticated: dunkmatj

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

 File Attachment

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

### Approve

### Purchasing Director's Comments:

The City Council approved Contract # 13006 with N.B. West Contracting, Co. in the amount of \$336,674.80 through resolution 61-2019 for 2019 Ultra-Thin Bonded Asphalt Wearing Surface. The Engineering

Department is seeking to increase the value of this contract by \$186,262.00 for a total authorized amount of \$522,936.80 utilizing the unit prices within the approved contract.

BY: David Weidler

Date: 5/29/2019

Authenticated: weidledc

*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: John Adams

Date: 5/29/2019

Authenticated: adamsjr

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

Approve     Diasapprove

Chief Administrative Officer's Comments:

BY: 

Date: 5-30-19

RESOLUTION 61-2019

A RESOLUTION ACCEPTING THE BID OF N.B. WEST CONTRACTING, CO. IN THE NOT TO EXCEED AMOUNT OF \$336,674.80 (WHICH INCLUDES A CONTINGENCY OF \$25,000) FOR 2019 ULTRA-THIN BONDED ASPHALT WEARING SURFACE AND AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT.

WHEREAS, pursuant to law, the City obtained bids for 2019 Ultra-Thin Bonded Asphalt Wearing Surface, and

WHEREAS, the most responsible bid received was that of N.B. West Contracting, Co. in the not to exceed amount of \$336,674.80 (which includes a contingency of \$25,000) 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 #301-1401-600.75.14, Project #PW2001.

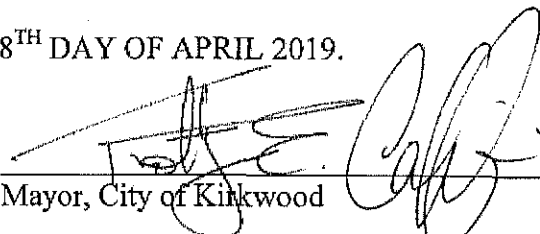
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KIRKWOOD, MISSOURI, AS FOLLOWS:

SECTION 1. The bid of N.B. West Contracting, Co. in the not to exceed amount of \$336,674.80 (which includes a contingency of \$25,000) for 2019 Ultra-Thin Bonded Asphalt Wearing Surface is hereby accepted and approved.

SECTION 2. The Mayor is hereby authorized and directed to enter into a contract with N.B. West Contracting, Co. in the not to exceed amount of \$336,674.80 (which includes a contingency of \$25,000) for 2019 Ultra-Thin Bonded Asphalt Wearing Surface.

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

PASSED AND APPROVED THIS 18<sup>TH</sup> DAY OF APRIL 2019.

  
\_\_\_\_\_  
Mayor, City of Kirkwood

ATTEST:

  
\_\_\_\_\_  
City Clerk



RESOLUTION 88-2019

A RESOLUTION AMENDING THE CONTRACT WITH FORD ASPHALT CO., BY INCREASING THE CONTRACT AMOUNT BY \$220,000 FOR A NOT TO EXCEED AMOUNT OF \$880,000 FOR 2019 ASPHALTIC CONCRETE OVERLAYS.

WHEREAS, the Engineering Department intended to utilize Hot-in-Place Recycling to resurface several streets in Fiscal Year 2020, and

WHEREAS, the Hot-in-Place Recycling is no longer a viable option and the Engineering Department will now mill and overlay some of the streets, and

WHEREAS, the Director of Public Services is requesting an amendment of the contract with Ford Asphalt Co. by \$220,000 for a total not to exceed amount of \$880,000 for 2019 Asphaltic Concrete Overlays, and

WHEREAS, funds are available in Account #301-1401-600.75.14, Project #PW2001.

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

SECTION 1. The contract with Ford Asphalt Co. is hereby amended in the amount of \$220,000 for a not to exceed of \$880,000 for 2019 Asphaltic Concrete Overlays.

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

PASSED AND APPROVED THIS 6<sup>TH</sup> DAY OF JUNE 2019.

\_\_\_\_\_  
Mayor, City of Kirkwood

ATTEST:

\_\_\_\_\_  
City Clerk

# Legislation Request

## Resolution

Place On The Agenda Of: 6/6/2019

### Step #1:

Strategic Plan YES

Goal # & Title Goal 5. Invest for the future through infrastructure. Objective C.2

### Background To Issue:

The Engineering Department intended to utilize Hot-in-Place Recycling to resurface several streets in FY20. This is no longer a viable option and the Engineering Department will now mill and overlay some of these streets. Ford Asphalt Co, Inc. was originally awarded a contract for construction services with an authorized amount of \$660,000.00. Engineering wishes to increase the authorized amount by \$220,000.00.

### Recommendations and Action Requested:

It is recommended the City Council increase the authorized amount of the contract with Ford Asphalt Co, Inc. by \$220,000.00 for a total authorized amount of \$880,000.00.

### Alternatives Available:

Cost: \$880,000.00 Account #: 30114016007514 Project #: PW2001 Budgeted: YES

If YES, Budgeted Amount: \$880,000.00 If NO, or if insufficient funding (Complete Step #3).

### Department Head Comments:

BY: Ted Dunkmann


Date: 5/29/2019

Authenticated: dunkmatj

*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:


The City Council approved Contract # 13005 with Ford Asphalt Co. in the amount of \$660,000.00 through resolution 68-2019 for 2019 Asphaltic Concrete Overlays. The Engineering Department is seeking to increase the value of this contract by \$220,000.00 for a total authorized amount of \$880,000.00 utilizing the unit prices within the approved contract.


BY: David Weidler


Date: 5/29/2019

Authenticated: weidledc

*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: John Adams

Date: 5/29/2019

Authenticated: adamsjr

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

Approve     Diasapprove

Chief Administrative Officer's Comments:

BY: 

Date: 5-30-19

RESOLUTION 68-2019

A RESOLUTION ACCEPTING THE BID OF FORD ASPHALT CO., IN THE NOT TO EXCEED AMOUNT OF \$660,000 (WHICH INCLUDES A CONTINGENCY OF \$60,000) FOR THE 2019 ASPHALTIC CONCRETE OVERLAYS AND AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT.

WHEREAS, pursuant to law, the City obtained bids for the 2019 Asphaltic Concrete Overlays, and

WHEREAS, the most responsible bid received was that of Ford Asphalt Co., in the not to exceed amount of \$660,000 (which includes a contingency of \$60,000) 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 #301-1401-600.75.14, Project #PW2001.

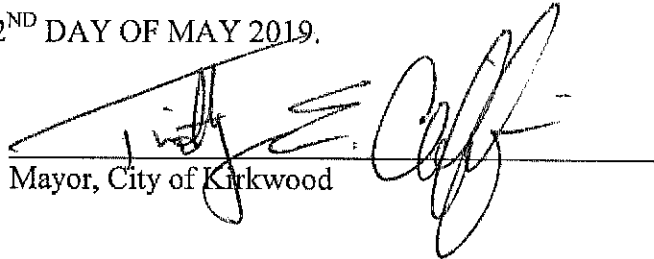
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KIRKWOOD, MISSOURI, AS FOLLOWS:

SECTION 1. The bid of Ford Asphalt Co., in the not to exceed amount of \$660,000 (which includes a contingency of \$60,000) for the 2019 Asphaltic Concrete Overlays is hereby accepted and approved.

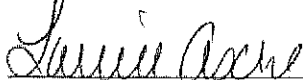
SECTION 2. The Mayor is hereby authorized and directed to enter into a contract with Ford Asphalt Co., in the not to exceed amount of \$660,000 (which includes a contingency of \$60,000) for the 2019 Asphaltic Concrete Overlays.

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

PASSED AND APPROVED THIS 2<sup>ND</sup> DAY OF MAY 2019.

  
\_\_\_\_\_  
Mayor, City of Kirkwood

ATTEST:

  
\_\_\_\_\_  
City Clerk

BILL 10751

ORDINANCE

AN ORDINANCE AMENDING THE KIRKWOOD CODE OF ORDINANCES, CHAPTER 23, ARTICLE III. "CITY ELECTRIC SYSTEM", DIVISION 2. "RATES, CHARGES & BILLING", SECTION 23-84 "RATES ESTABLISHED", BY REMOVING SUBPARAGRAPH (b) IN ITS ENTIRETY AND RENUMBERING THE REMAINING SUBPARAGRAPHS ACCORDINGLY.

WHEREAS, the City Council adopted the revised and amended Code of Ordinances on June 7, 2018, and

WHEREAS, during discussions during the review of the Code of Ordinances with General Code it was determined that fee structures should not be included in the Code of Ordinances but should be adopted by Resolution, and

WHEREAS, staff determined that the Electric Rates are currently located in both the Code of Ordinances as well as the Resolution, and

WHEREAS, it is recommended that the Electric Rates be removed from the Code of Ordinances and included within the Resolution to stay consistent with other fee structures.

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

SECTION 1. The Kirkwood Code of Ordinances, Chapter 23, Article III. "City Electric System", Division 2. "Rates, Charges & Billing", Section 23-84 "Rates Established" is hereby amended by removing Subsection (b) it in its entirety and renumbering the remaining subparagraphs accordingly.

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  
1<sup>st</sup> Reading:  
2<sup>nd</sup> Reading:

# Legislation Request

Ordinance

Place On The Agenda Of: 5/16/2019

Step #1:

Strategic Plan NO

Goal # & Title

Background To Issue:

In 2018 a resolution was adopted to include all of the fee structures for the City of Kirkwood. It was determined that the Electric Rates are currently located in both the Code of Ordinances as well as the Resolution.

Recommendations and Action Requested:

Approve an Ordinance amending the Code of Ordinances to remove the Electric Rates from the Code.

Alternatives Available:

Cost: \$0.00

Account #: 00000

Project #:

Budgeted: YES

If YES, Budgeted Amount: \$0.00

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

Department Head Comments:

BY: Laurie Asche

Date: 5/6/2019

Authenticated: aschelb

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

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 File Attachment

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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:



Date:

5-9-19

BILL 10752

ORDINANCE

AN ORDINANCE AMENDING THE KIRKWOOD CODE OF ORDINANCES, CHAPTER 23, ARTICLE IV. "CITY WATER SYSTEM", DIVISION 2. "RATES, CHARGES & BILLING", BY REMOVING SECTION 23-142 "WATER RATES" IN ITS ENTIRETY AND RENUMBERING THE REMAINING SECTIONS ACCORDINGLY.

WHEREAS, the City Council adopted the revised and amended Code of Ordinances on June 7, 2018, and

WHEREAS, during discussions during the review of the Code of Ordinances with General Code it was determined that fee structures should not be included in the Code of Ordinances but should be adopted by Resolution, and

WHEREAS, staff determined that the Water Rates are currently located in both the Code of Ordinances as well as the Resolution, and

WHEREAS, it is recommended that the Water Rates be removed from the Code of Ordinances and included within the Resolution to stay consistent with other fee structures.

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

SECTION 1. The Kirkwood Code of Ordinances, Chapter 23, Article IV. "City Water System", Division 2. "Rates, Charges & Billing", is hereby amended by removing Section 23-142 "Water Rates" it in its entirety and renumbering the remaining sections accordingly.

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  
1<sup>st</sup> Reading:  
2<sup>nd</sup> Reading:



# Legislation Request

## Ordinance

Place On The Agenda Of: 5/16/2019

### Step #1:

Strategic Plan NO

Goal # & Title :

### Background To Issue:

In 2018 a resolution was adopted to include all of the fee structures for the City of Kirkwood. It was determined that the Water Rates are currently located in both the Code of Ordinances as well as the Resolution.

### Recommendations and Action Requested:

Approve an Ordinance amending the Code of Ordinances to remove the Water Rates from the Code.

### Alternatives Available:

Cost: \$0.00

Account #: 00000

Project #:

Budgeted: YES

If YES, Budgeted Amount: \$0.00

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


### Department Head Comments:


BY: Laurie Asche


Date: 5/6/2019

Authenticated: aschelb

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

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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:

5-9-19

BILL 10753

ORDINANCE

AN ORDINANCE REAPPROPRIATING \$2,523,794 TO THE BUILDING AND SITE IMPROVEMENTS ACCOUNT, PROJECT #PF1911, FROM FISCAL YEAR 2018/2019 TO FISCAL YEAR 2019/2020 FOR THE PERFORMING ARTS CENTER CONSTRUCTION.

WHEREAS, in calculating the re-appropriation of funds for the construction of the Performing Arts Center staff failed to include amounts for the project which were already committed contractually for construction costs, and

WHEREAS, staff recommends that \$2,523,794 be reappropriated to Account #302-2001-600.75.03 (Building & Site Improvements), Project #PR1911 for fiscal year 2019/2020.

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

SECTION 1. Funds in the amount of \$2,523,794 are hereby reappropriated to Account #302-2001-600.75.03 (Building & Site Improvements), Project #PR1911 for fiscal year 2019/2020.

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  
1<sup>st</sup> Reading:  
2<sup>nd</sup> Reading:

# Legislation Request

## Ordinance

Place On The Agenda Of: 5/16/2019

### Step #1:

Strategic Plan YES

Goal # & Title #4 Nurture Downtown Kirkwood

### Background To Issue:

In calculating the re-appropriation of funds for the construction of the Performing Arts Center staff failed to include amounts for the project which were already committed contractually for construction costs on the part of BSI Contractors. This request would correct that situation.

### Recommendations and Action Requested:

This request is to re-appropriate \$2,512,794 to Account #302-2001-600-7503 (Building & site Improvements) and Project PF1911 (PAC Construction).

### Alternatives Available:

Cost: \$2,523,794.00 Account #: 30220016007503 Project #: PR1911 Budgeted: NO

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

### Department Head Comments:

In calculating the total amount for the end of year re-appropriation of funds for the construction of the Performing Arts Center, the amount of funds already encumbered and approved by Council for construction activities by BSI Constructors for the PAC were inadvertently left out of the total amount re-appropriated. This legislation request would correct that shortcoming and restore the funding available for construction to the original amount of \$24,090,269.00.

BY: Murray Pounds

Date: 5/6/2019

Authenticated: poundsm

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

 File Attachment

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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

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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:

BY: John Adams

Date: 5/6/2019

Authenticated: adamsjr

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

Approve     Diasapprove

Chief Administrative Officer's Comments:

BY: 

Date: 5-9-19

BILL 10754

ORDINANCE

AN ORDINANCE APPROPRIATING \$11,668 FROM THE GENERAL FUND FUND BALANCE TO ACCOUNT #101-1201-421.32.01 FOR LEGAL EXPENSES FOR THE POLICE DEPARTMENT.

WHEREAS, legal expenses for the Police Department exceeded the budgeted amount, and

WHEREAS, funds in the amount of \$11,668 needs to be appropriated from the General Fund Fund Balance to Account #101-1201-421.32.01.

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

SECTION 1. Funds in the amount of \$11,668 are hereby appropriated from the General Fund Fund Balance to Account #101-1201-421.32.01.

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  
1<sup>st</sup> Reading:  
2<sup>nd</sup> Reading:

# Legislation Request

## Ordinance

Place On The Agenda Of: 5/16/2019

### Step #1:

Strategic Plan Select... Goal # & Title

### Background To Issue:

Staff budgets for what we believe will be expected expenses, not best or worst case scenarios. Budgets are set several months prior to the beginning of the fiscal year. Legal expenses in the police department in FY2019 exceeded what was budgeted and now an appropriation is needed.

### Recommendations and Action Requested:

Recommend appropriating \$11,668 from the General Fund fund balance to 101-1201-421.32-01.

### Alternatives Available:

Cost: \$11,668.00 Account #: 10112014213201 Project #: Budgeted: NO

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

### Department Head Comments:

Additional legal expenses were incurred this year as we negotiated for the first time a bargaining agreement with sergeants and one with police officers. Consultations were also increased due to efforts to become CALEA certified.

BY: Georgia Ragland

Date: 5/6/2019

Authenticated: raglangl

*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 fund balance

To Account # or Fund Name:

10112014213201

Finance Director's Comments:

BY: John Adams

Date:

5/6/2019

Authenticated:

adamsjr

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

Approve

Diasapprove

Chief Administrative Officer's Comments:

BY:



Date:

5-9-19



BILL 10755

ORDINANCE

AN ORDINANCE APPROPRIATING \$63,268 FROM THE GENERAL FUND FUND BALANCE TO ACCOUNT #101-1102-412.32.01 FOR LEGAL EXPENSES FOR THE ADMINISTRATION DEPARTMENT.

WHEREAS, legal expenses for the Administration Department exceeded the budgeted amount, and

WHEREAS, funds in the amount of \$63,268 needs to be appropriated from the General Fund Fund Balance to Account #101-1102-412.32.01.

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

SECTION 1. Funds in the amount of \$63,268 are hereby appropriated from the General Fund Fund Balance to Account #101-1102-412.32.01.

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  
1<sup>st</sup> Reading:  
2<sup>nd</sup> Reading:

# Legislation Request

Ordinance

Place On The Agenda Of: 5/16/2019

Step #1:

Strategic Plan Select... Goal # & Title

Background To Issue:

Budgets are created several months prior to the beginning of a fiscal year. Staff budgets for what we reasonably expect for expenditures, not for a best or worst case scenario. In FY2019 legal expenses exceeded the amount which was budgeted. Invoices for expenses through March, 2019 were received in April. Funds now need to be appropriated to cover expenses in line items where the overage exceeds the ability for staff to make budget transfers.

Recommendations and Action Requested:

Appropriate \$63,268 from the General Fund fund balance to expenditure account 101-1102-412.32-01 for fiscal year 2019.

Alternatives Available:

Cost: \$63,268.00 Account #: 10111024123201 Project #: Budgeted: NO

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

Department Head Comments:

Specific reasons for legal services that exceeded the budget have been covered by legal counsel in closed session.

BY: Georgia Ragland

Date: 5/6/2019

Authenticated: raglangl

*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.*

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 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:

BY: John Adams

Date: 5/6/2019

Authenticated: adamsjr

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

Approve     Diasapprove

Chief Administrative Officer's Comments:

BY:

Date:

5-9-19

BILL 10756

ORDINANCE

AN ORDINANCE APPROPRIATING \$39,135 FROM THE MEDICAL FUND FUND BALANCE TO ACCOUNT #602-3112-442.31.10 FOR MEDICAL CLAIMS.

WHEREAS, medical claims exceeded the budgeted amount, and

WHEREAS, funds in the amount of \$39,135 needs to be appropriated from the Medical Fund Fund Balance to Account #602-3112-442.31.10.

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

SECTION 1. Funds in the amount of \$39,135 are hereby appropriated from the Medical Fund Fund Balance to Account #602-3112-442.31.10.

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  
1<sup>st</sup> Reading:  
2<sup>nd</sup> Reading:

# Legislation Request

## Ordinance

Place On The Agenda Of: 5/16/2019

Step #1:

Strategic Plan Select... Goal # & Title

Background To Issue:

The City utilizes a minimum premium arrangement for health insurance for employees. With the help of Gallagher Benefit Services premiums are set for the two plans that were available to employees in FY2019 at a level that is expected to cover claims and administration of the plans. With a minimum premium arrangement, if the premiums more than cover claims and expenses then the City benefits rather than the insurance company. When claims exceed budgeted expenses then the City has funds in the Medical Fund set aside to cover them and also has stop loss insurance if they vastly exceed expectations.

Recommendations and Action Requested:

For FY2019 claims exceeded expected/budgeted expenses by \$39,135 and so funds need to be appropriated from the Medical Fund fund balance to account 602-3112-442.31-10.

Alternatives Available:

Cost: \$39,135.00 Account #: 60231124423110 Project #: Budgeted: NO

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

Department Head Comments:

BY: Georgia Ragland

Date: 5/6/2019

Authenticated: raglangl

*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: David Weidler

Date: 5/6/2019

Authenticated: weidledc

*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: Medical Fund fund balance

To Account # or Fund Name: 60231124423110

Finance Director's Comments:

BY: John Adams

Date: 5/6/2019

Authenticated: adamsjr

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

Approve     Diasapprove

Chief Administrative Officer's Comments:

BY: 

Date: 5-9-19

BILL 10757

ORDINANCE

AN ORDINANCE APPROPRIATING \$215,241 FROM THE WORKERS' COMPENSATION FUND FUND BALANCE TO ACCOUNT #601-3110-441.21.02 FOR WORKERS' COMPENSATION CLAIMS.

WHEREAS, workers' compensation claims expenses have exceeded the budgeted amount, and

WHEREAS, funds in the amount of \$215,241 needs to be appropriated from the Workers' Compensation Fund Fund Balance to Account #601-3110-441.21.02.

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

SECTION 1. Funds in the amount of \$215,241 are hereby appropriated from the Workers' Compensation Fund Fund Balance to Account #601-3110-441.21.02.

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  
1<sup>st</sup> Reading:  
2<sup>nd</sup> Reading:

# Legislation Request

Ordinance

Place On The Agenda Of: 5/16/2019

Step #1:

Strategic Plan Select...

Goal # & Title

Background To Issue:

FY2019 had workers' compensation claims expenses that were much higher than normal. Although the number of claims were about the same as the year before, the severity was much higher in that several claims required surgery. Since we budget for what we might reasonably expect in terms of claims expense rather than the best or worst case scenarios, the expenditures in the claims expense line item significantly exceeded the budgeted amount.

Recommendations and Action Requested:

Staff recommends appropriating \$215,241 from the Workers Compensation Fund fund balance to account 601-3110-441.21-02.

Alternatives Available:

Cost: \$215,241.00 Account #: 60131104412102 Project #: Budgeted: NO

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

Department Head Comments:

BY: Georgia Ragland

Date: 5/7/2019

Authenticated: raglangl

*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

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 File Attachment

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

Appropriation

From Account # or Fund Name: Workers Compensation Fund fund balance

To Account # or Fund Name: 601-3110-441.21-02

Finance Director's Comments:

BY: John Adams

Date: 5/8/2019

Authenticated: adamsjr

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

Approve     Diasapprove

Chief Administrative Officer's Comments:

BY:



Date: 5-9-19

BILL 10758

ORDINANCE

AN ORDINANCE APPROPRIATING \$45,557 FROM THE CAPITAL FUND FUND BALANCE TO ACCOUNT #301-1704-600.75.03, PROJECT #FO2005 AND PROJECT #FO2006, AMENDING THE CONTRACT WITH JW FULLER CONSTRUCTION, LLC, IN THE AMOUNT OF \$45,557 FOR CITY HALL CUPOLA CARPENTRY REPAIR SERVICES AND GAZEBO CARPENTRY REPAIR SERVICES AND AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AMENDED CONTRACT.

WHEREAS, the City Hall Cupola and the Gazebo located on East Argonne Avenue across from the Farmers' Market are in need of carpentry repair services due to the deterioration of the existing materials, and

WHEREAS, proposals for the work required was received from JW Fuller Construction, LLC, who is under contract with the City for providing Carpentry Services and Repair, and

WHEREAS, a Selection Committee consisting of the Director of Procurement, Superintendent of Facilities Operations, and Assistant Director of Procurement reviewed the proposal, and

WHEREAS, the Selection Committee recommends JW Fuller Construction, LLC as the most qualified for City Hall Cupola Carpentry Services and Gazebo Carpentry Repair Services, and

WHEREAS, funds in the amount of \$45,557 need to be appropriated from the Capital Fund Fund Balance to Account #301-1704-600.75.03 as follows:

<u>Project #</u>	<u>Amount</u>
FO2005	\$30,760
FO2006	\$14,797

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

SECTION 1. Funds in the amount of \$45,557 are hereby appropriated the Capital Fund Fund Balance to Account #301-1704-600.75.03 as follows:

<u>Project #</u>	<u>Amount</u>
FO2005	\$30,760
FO2006	\$14,797

SECTION 2. The proposal of JW Fuller Construction, LLC in the amount of \$45,557 for City Hall Carpentry Repair Services and Gazebo Carpentry Repair Services is hereby accepted and approved.

SECTION 3. The Mayor is authorized and directed to enter into an amended contract with JW Fuller Construction, LLC in the amount of \$45,557 for City Hall Carpentry Repair Services and Gazebo Carpentry Repair Services.

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  
1<sup>st</sup> Reading:  
2<sup>nd</sup> Reading:

# Legislation Request

## Ordinance

Place On The Agenda Of: 5/16/2019

Step #1:

Strategic Plan NO

Goal # & Title

Background To Issue:

The City Hall Cupola and the Gazebo located on E. Argonne across from the Farmers Market are in need of carpentry repair services due to deterioration of the exiting materials. Proposals for the work required have been received from JW Fuller Construction, LLC, who is under contract with the City for providing carpentry services and repair.

Recommendations and Action Requested:

Appropriate the required funds of \$45,557.00 from the Capital Fund Fund Balance to account number 301-1704-600.75-03 Project Number FO2005 (\$30,760.00) and Project Number FO2006 (\$14,797.00) and award contract amendments in the amount of \$30,760.00 and \$14,797.00 for City Hall Cupola Carpentry Repairs and the Gazebo Carpentry Repairs respectively.

Alternatives Available:

Allow continued deterioration of the facilities.

Cost: \$45,557.00 Account #: 30117046007503 Project #: FO2005/6 Budgeted: NO

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

Department Head Comments:

BY: David Weidler

Date: 5/9/2019

Authenticated: weidledc

*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: David Weidler

Date: 5/9/2019

Authenticated: weidledc

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

  
13174 & 13175 Resolution  
Letter.pdf  
Adobe Acrobat Document  
209 KB

 File Attachment

 File Attachment

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

Appropriation

From Account # or Fund Name: Capital Fund Fund Balance, \$45,557

To Account # or Fund Name: 301-1704-600.75-03, FO2005 & FO2006

Finance Director's Comments:

BY: John Adams

Date: 5/9/2019

Authenticated: adamsjr

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

Approve     Diasapprove

Chief Administrative Officer's Comments:

BY: 

Date: 5-9-18

May 9<sup>th</sup>, 2019

**To:** Russell B. Hawes, Chief Administrative Officer

**For Your Consideration:** Water Department Restroom Remodel, RFP # 13174 and 13175

The City Hall Cupola and the Gazebo located on E. Argonne Avenue across from the Farmers Market are in need of carpentry repair service due to the deterioration of the existing materials. Proposals for the work required have been received from JW Fuller Construction, LLC, who is under contract with the City for providing carpentry services and repair.

The City of Kirkwood competitively bid and awarded Carpentry Services and Repair to JW Fuller Construction, LLC. The current Renewal Agreement #12923 was issued for the term of October 21, 2018 through October 20, 2019.

Per Article VI., Procurement of the City of Kirkwood's Code of Ordinances, a selection committee was appointed by the Chief Administrative Officer and chaired by the Director of Procurement to review and recommend to Council a qualified company to perform City Hall Cupola Carpentry Repair Services and Gazebo Carpentry Repair Services.

A Selection Committee consisting of David Weidler, Director of Procurement, Trace Walls, Superintendent of Facilities Operations, and Sara Foan-Oliver, Assistant Director of Procurement reviewed the proposals.

The Selection Committee reviewed and evaluated the proposal response on:

- A. The specialized experience and technical competence of the company with respect to the type of services required;
- B. The capacity and capability of the company to perform the work in question, including specialized services, within the time limitations fixed for the completion of the project;
- C. The past record of performance of the company with respect to such factors as control of costs, quality of work and ability to meet schedules;
- D. The company's proximity to and familiarity with the area in which the project is located.
- E. Proposed schedule of fees.

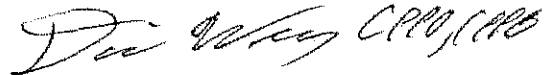
After review of the qualified company's proposal to perform these types of services, the Selection Committee is recommending JW Fuller Construction, LLC to perform the City Hall Cupola Carpentry Repair Services and Gazebo Carpentry Repair Services based on the criteria listed above.

This selected qualified company will provide City Hall Cupola Carpentry Repair Services and Gazebo Carpentry Repair Services in the amount \$30,760.00 and \$14,797.00 respectively.

Funds in the amount of \$45,557.00 are requested to be appropriated from the Capital Fun Fund Balance to account number 301-1704-600.75-03, Project Number FO2005 (\$30,760.00) and Project Number FO2006 (\$14,797.00).

Attached is a request from David Weidler, Director of Procurement, for the appropriation of funds in the amount of \$45,557.00 from the Capital Fun Fund Balance to account number 301-1704-600.75-03, Project Number FO2005 (\$30,760.00) and Project Number FO2006 (\$14,797.00) and the issuance of contract amendments to JW Fuller Construction, LLC in the amount of \$30,760.00 for the City Hall Cupola Carpentry Repair Services and \$14,797.00 for the Gazebo Carpentry Repair Services.

Respectfully,

A handwritten signature in black ink, appearing to read "David Weidler CPPO, CPPB". The signature is written in a cursive style.

David Weidler, CPPO, CPPB  
Director of Procurement

ORDINANCE

AN ORDINANCE ADOPTING A REVISED CITY OF KIRKWOOD CLASSIFICATION AND PAY PLAN.

WHEREAS, McGrath Human Resources was contracted to perform a compensation and benefits study, which recommended splitting out the fire prevention duties of the Assistant Fire Chief/Fire Marshal position by creating a Fire Prevention Specialist position, and

WHEREAS, after to the retirement of the Assistant Fire Chief/Fire Marshal, the positions of Assistant Fire Chief and Fire Marshal were separated and the Fire Marshal position was changed to Fire Prevention Specialist, and

WHEREAS, during the process of recruitment for the Fire Prevention Specialist position it was determined that the skills and duties are most similar to those of a multi-discipline inspector and that the process for plan review and fire inspection is outside of the scope of a Fire Prevention Specialist, and

WHEREAS, staff recommends eliminating the Fire Prevention Specialist position and replacing it with that of a Fire Marshal position in pay grade 80, and

WHEREAS, staff recommends approval of the changes to the City of Kirkwood Classification and Pay Plan (a copy of which is attached hereto and incorporated by reference herein), and

WHEREAS, the proposed changes will become effective upon passage of this legislation.

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

SECTION 1. The revised City of Kirkwood Classification and Pay Plan (a copy of which is incorporated by reference herein and attached hereto) is hereby adopted and approved effective upon passage of this Ordinance.

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  
1<sup>st</sup> Reading:  
2<sup>nd</sup> Reading:



# Legislation Request

## Ordinance

Place On The Agenda Of: 6/6/2019

Step #1:

Strategic Plan YES Goal # & Title Create an environment to attract and retain talented personnel

Background To Issue:  
See attached memo.

Recommendations and Action Requested:

Adopt revised pay classification plan to remove fire prevention specialist and add fire marshal.

Alternatives Available:

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 fire marshal position is ranked higher in the pay classification system but additional funds would be approved separately at a later time.


BY: Georgia Ragland

Date: 5/24/2019

Authenticated: raglangl

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

  
FireMarshalRecMemo5.24.201  
9.docx  
Microsoft Word Document  
16.9 KB

  
PayClass Draft 5.24.2019.xlsx  
Microsoft Excel Worksheet  
28.0 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:



Date:

5-31-19

**CITY OF KIRKWOOD  
139 S. KIRKWOOD ROAD  
KIRKWOOD, MO 63122**

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**TO:** Mayor and Council  
**FROM:** Georgia L. Ragland, ACAO  
**DATE:** May 24, 2019  
**RE:** Fire Marshal Position

You may recall that for many years we had a combined Asst. Chief/Fire Marshal position which was most recently filled by Asst. Chief/Fire Marshal Leo Meyer. Both Chief Silvernail, and the McGrath Human Resource Group, have spent a considerable amount of time analyzing the fire department structure and last year we had begun to take steps to separate these two functions. A new, civilian fire prevention specialist position was approved and placed in pay grade 60.

Late last year, Asst. Chief Meyer retired and took a new position with a neighboring community. We were extremely fortunate to hire Asst. Chief Brian Zaitz who has an extremely strong skill set and valuable work experience with a larger agency but he does not have the same fire prevention background that Asst. Chief Meyer had. Once Asst. Chief Zaitz was on board, we began the recruitment process for the fire prevention specialist position. In the interim, after Asst. Chief Meyer left, Captain Dennis Fischer stepped in to handle the more pressing plan reviews and fire prevention duties that would normally be handled by the Fire Marshal.

During this process we learned some valuable information. The fire prevention specialist skills and duties are most similar to those of a multi-discipline inspector, and both of those positions need a knowledgeable supervisor. We also found that our current processes for plan review and fire inspection really need to be brought into the 21<sup>st</sup> century, something outside of the scope of a fire prevention specialist. We also were not satisfied with the quality of applicants who responded to the fire prevention specialist job posting. As a result, after consulting with Chief Silvernail and the McGrath Human Resource Group, we are recommending eliminating the fire prevention specialist position and replacing it with that of a Fire Marshal position in pay grade 80. This would allow us to require certifications including St. Louis County Professional Firefighter Certification, Missouri Fire Officer 1, Missouri Fire Service Inspector 1, International Fire Code Certification, and Missouri Certified Fire Inspector. The experience level desired would be someone who has a minimum of five years of service as a Captain. This position would be a 40 hour a week position working as part of the command staff and not a shift

Georgia L. Ragland  
Asst. Chief Administrative Officer  
Phone: 314-822-5801  
Fax: 314-822-5863  
raglangl@kirkwoodmo.org

position. Similar to the Asst. Chief and Deputy Chief positions, the Fire Marshal would participate in the Police and Fire Pension Plan.

If approved, this change would add cost to the Fire department budget which would likely require an appropriation at some point prior to the end of the fiscal year. Since the fiscal year is already underway and we do not know when the position will be filled our best guess is that the additional amount this fiscal year would be less than \$17,000.

Chief Silvernail and I are in concurrence that this is the best course of action to take in order to provide timely and accurate plan review, inspections, and fire prevention services to the Kirkwood/Oakland community.

Georgia L. Ragland  
Asst. Chief Administrative Officer  
Phone: 314-822-5801  
Fax: 314-822-5863  
[raglangl@kirkwoodmo.org](mailto:raglangl@kirkwoodmo.org)

**City of Kirkwood  
Classification and Pay Plan  
All civilian employees Excluding IBEW No. 2 (Electric) plus fire department command staff  
Effective June 21, 2019**

<b>Old Title</b>	<b>New Title</b>	<b>Pay Grade</b>	<b>Minimum</b>	<b>Market</b>	<b>Midpoint (60%)</b>	<b>Maximum</b>
PARKING CONTROL ATTENDANT RECYCLING DEPOSITORY WORKER	Parking Control Attendant Recycling Center Worker	10	\$30,784	\$33,862	\$37,253	\$43,097
FACILITIES CUSTODIAN RECREATION CUSTODIAN RECREATION CUSTODIAN	Custodian - Facilities Custodian - Recreation Custodian/Recreation Attendant	15	\$32,323	\$35,547	\$39,104	\$45,261
PARKS MAINTENANCE WORKER I STREET MAINTENANCE WORKER HORTICULTURE ASSISTANT	Maintenance Worker I - Parks Maintenance Worker I- Streets Horticulture Assistant	20	\$33,939	\$37,336	\$41,080	\$47,507
ICE RINK MAINTENANCE WORKER RECREATION MAINTENANCE WORKER POLICE RECORDS CLERK	Maintenance Worker - Ice Rink Maintenance Worker - Recreation Police Records Clerk	25	\$37,336	\$41,080	\$45,198	\$52,270
ADMINISTRATIVE ASSISTANT CUSTOMER SRVC ASSISTANT-FLEET CUSTOMER SERVICE REPRESENTATIVE PARK MAINTENANCE WORKER II ADMINSTRATIVE ASSISTANT - BC SANITATION WORKER NEW	Administrative Associate Administrative Associate Customer Service Associate Maintenance Worker II - Parks Permit Clerk Sanitation Driver Maintenance Worker II - Streets	30	\$39,208	\$43,139	\$47,445	\$54,891
ASSISTANT COURT CLERK CODE ENFORCEMENT OFFICER POLICE/PROSECUTOR CLERK TRAFFIC SIGN TECHNICIAN WATER DISTRIBUTION SYTM WORKER	Assistant Court Clerk Code Enforcement Specialist Police/Prosecutor Clerk Traffic Sign Technician Water Distribution System Worker I	35	\$41,163	\$45,281	\$49,816	\$57,628
PAYROLL ADMINISTRATOR	Accounting Technician	40	\$43,222	\$47,549	\$52,312	\$60,507

**City of Kirkwood  
Classification and Pay Plan  
All civilian employees Excluding IBEW No. 2 (Electric) plus fire department command staff  
Effective June 21, 2019**

<b>Old Title</b>	<b>New Title</b>	<b>Pay Grade</b>	<b>Minimum</b>	<b>Market</b>	<b>Midpoint (60%)</b>	<b>Maximum</b>
CUSTOMER SERVICE ASSISTANT-PW DEPUTY CITY CLERK ADMIN ASSISTANT-PERSONNEL LEAD REFUSE DRIVER LEAD STREET MAINTENANCE WORKER NEW New	Administrative & Operations Asst.- Sanitation Deputy City Clerk Human Resources Assistant Lead Worker-Sanitation Lead Worker-Streets Water Distribution System Worker II Permit Technician					
DISPATCHER FACILITIES OPERATION TECH PARK MAINTENANCE TECHNICIAN OFFICE MANAGER/FINANCE RECREATION DEPT-OFFICE MANAGER BUYER/SUPPLY MANAGEMENT ANALYST WATER EQUIP MECHANIC	Dispatcher Maintenance Technician - Facilities Maintenance Technician - Parks Office Manager Office Manager Procurement Officer/Analyst Water Equipment Technician	45	\$45,385	\$49,920	\$54,912	\$63,544
ASSISTANT ICE RINK MANAGER LEAD DISPATCHER LEAD FACILITIES OPERATIONS TECHNICIAN WATER DISTRIBUTION LEADMAN HEAD PARK RANGER SECURITY OFFICER CODE ENFORCEMENT ADMINISTRATOR	Assistant Ice Arena Manager* Lead Worker - Dispatch Lead Worker - Facilities Maintenance Technician Lead Worker - Water Distribution Lead Park Ranger Security Officer Sr. Code Enforcement Specialist	50	\$49,025	\$53,934	\$59,321	\$68,640
VEHICLE SERVICE TECHNICIAN GIS TECHNICIAN PARK HORTICULTURIST/ARBORIST ICE RINK MANAGER SYSTEMS ADMINISTRATOR	Fleet Service Mechanic GIS Technician Horticulturalist Ice Arena Manager* IT Systems Administrator	55	\$51,480	\$56,638	\$62,302	\$72,072

**City of Kirkwood  
Classification and Pay Plan  
All civilian employees Excluding IBEW No. 2 (Electric) plus fire department command staff  
Effective June 21, 2019**

<b>Old Title</b>	<b>New Title</b>	<b>Pay Grade</b>	<b>Minimum</b>	<b>Market</b>	<b>Midpoint (60%)</b>	<b>Maximum</b>
RECREATION SUPERVISOR	Recreation Programs Manager *					
CITY FORESTER	Urban Forester					
ACCOUNTANT	Accountant					
COMMODITY BUYER AND INVENTORY SUPERVISOR	Sr. Procurement Officer/Analyst					
NEW	Inspector I					
PARKS FOREMAN	Parks Supervisor					
HOUSING INSPECTOR	Inspector II	60	\$54,059	\$59,467	\$65,416	\$75,691
DISTRIBUTION PLANNING TECHNICIAN	Electric Distribution Planning Technician					
WATER DISTRIBUTION ENG. TECH.	Engineering Technician - Water					
PUBLIC INFORMATION OFFICER	Public Information Officer*					
MULTI-DISCIPLINE INSPECTOR	Inspector III	65	\$56,763	\$62,441	\$68,681	\$79,477
MUNICIPAL COURT CLERK	Municipal Court Clerk					
STREET SUPERVISOR	Streets Division Supervisor					
WATER DISTRIBUTION SUPERVISOR	Water Distribution Supervisor					
WATER SUPPORT SERVICES SUPERVISOR	Water Support Services Supervisor					
IS SUPPORT SPECIALIST	IT Analyst	70	\$59,592	\$65,561	\$72,113	\$83,429
DEPUTY BUILDING COMMISSIONER	Plans Examiner/Inspector*					
ASST DIRECTOR OF PROCUREMENT	Procurement Asst. Director*					
TECHNICAL SUPPORT SPECIALIST	Sr. IT Systems Administrator					
NEW	Associate Planner*					
SUPERINTENDENT OF FACILITIES	Facilities Division Superintendent*	75	\$65,561	\$72,113	\$79,331	\$91,790
PARK OPERATIONS SUPERVISOR	Parks Division Superintendent*					
ASSISTANT CITY PLANNER	Assistant Planner*					
RECREATION SUPERINTENDENT	Recreation Division Superintendent*					
SAFETY/EMS MANAGER	Safety & Emergency Management Coordinator*					

**City of Kirkwood  
Classification and Pay Plan  
All civilian employees Excluding IBEW No. 2 (Electric) plus fire department command staff  
Effective June 21, 2019**

<b>Old Title</b>	<b>New Title</b>	<b>Pay Grade</b>	<b>Minimum</b>	<b>Market</b>	<b>Midpoint (60%)</b>	<b>Maximum</b>
SANITATION SUPERINTENDENT	Sanitation Division Superintendent*					
STREET SUPERINTENDENT	Streets Division Superintendent*					
WATER SUPERINTENDENT	Water Division Superintendent*					
NEW	Project Engineer*					
ASSISTANT CITY ENGINEER	Assistant City Engineer *	80	\$72,113	\$79,331	\$87,256	\$100,963
NEW	Electrical Engineer*					
CITY PLANNER	City Planner*					
DISTRIBUTION ENGINEER	Electric Operations Superintendent*					
ASSISTANT DIRECTOR OF FINANCE	Finance Assistant Director*					
<b>NEW</b>	<b>FIRE MARSHAL</b>					
DIRECTOR OF FLEET	Fleet Services Director*					
HUMAN RESOURCES MANAGER	Human Resources Manager*					
DIRECTOR OF PROCUREMENT	Procurement Director*					
BUILDING COMMISSIONER	Building Commissioner*	85	\$77,875	\$85,654	\$94,224	\$109,033
NEW	Electric Engineer (PE)*					
CITY ENGINEER	City Engineer*	90	\$85,654	\$94,224	\$103,646	\$119,912
ELECTRIC GENERAL LINE SUPV	Electric Line Superintendent*					
DEPUTY FIRE CHIEF	Deputy Fire Chief*					
ASSISTANT FIRE CHIEF	Assistant Fire Chief*	95	\$94,224	\$103,646	\$114,005	\$131,913
DIRECTOR OF MIS	IT Director*					
DIRECTOR OF PARKS AND REC	Parks and Recreation Director*					
ASSISTANT CHIEF ADMIN OFFICER	Assistant CAO*	100	\$103,646	\$114,005	\$125,403	\$145,101
DIRECTOR OF FINANCE	Finance Director*					
FIRE CHIEF	Fire Chief*	105	\$114,005	\$125,403	\$137,945	\$159,598



**City of Kirkwood**  
**Classification and Pay Plan**  
**All civilian employees Excluding IBEW No. 2 (Electric) plus fire department command staff**  
**Effective June 21, 2019**

<b>Old Title</b>	<b>New Title</b>	<b>Pay Grade</b>	<b>Minimum</b>	<b>Market</b>	<b>Midpoint (60%)</b>	<b>Maximum</b>
POLICE CHIEF	Police Chief*					
DIRECTOR OF PUBLIC SERVICES	Public Services Director*					

Note: Market is set at 50% and midpoint represents 10% over market.

City of Kirkwood  
 Classification and Pay Plan  
 Police Employees (excluding Police Chief)  
 Effective October 1, 2018

**Police Officer**

	1	2	3	4	5	6	7	8	9	10
	\$55,656.51	\$57,377.96	\$59,152.17	\$60,982.22	\$62,868.09	\$64,810.80	\$66,813.39	\$68,877.90	\$71,006.00	\$73,200.00

**New**

Training	1	2	3	4	5	6	7
\$56,985.87	\$61,110.85	\$63,096.95	\$65,147.60	\$67,264.90	\$69,451.01	\$71,708.17	\$74,038.68

**Sergeant**

	1	2	3	4	5	6	7	8	9	10
	\$65,313.22	\$67,334.09	\$69,415.85	\$71,562.58	\$73,776.29	\$76,058.01	\$78,407.74	\$80,830.53	\$83,328.20	\$85,903.04

**New**

1	2	3	4	5	6	7
\$74,555.23	\$76,978.28	\$79,480.07	\$82,063.18	\$84,730.23	\$87,483.96	\$90,327.19

**Lieutenant**

	1	2	3	4	5	6	7	8	9	10
	\$72,448.67	\$74,689.79	\$76,999.93	\$79,381.12	\$81,836.41	\$84,366.80	\$86,976.37	\$89,664.09	\$92,435.00	\$95,291.00

**New**

1	2	3	4	5	6	7
\$85,738.52	\$88,525.02	\$91,402.08	\$94,372.65	\$97,439.76	\$100,606.56	\$103,876.27

**Captain**

	1	2	3	4	5	6	7	8	9	10
	\$79,107.07	\$81,553.22	\$84,075.50	\$86,675.93	\$89,356.54	\$92,120.39	\$94,969.49	\$97,903.86	\$100,929.00	\$104,047.00

**New**

1	2	3	4	5	6	7
\$98,599.30	\$101,803.77	\$105,112.40	\$108,528.55	\$112,055.73	\$115,697.54	\$119,457.71

City of Kirkwood  
 Classification and Pay Plan  
 Fire Employees (excluding Command Staff)  
 Effective 10/1/2018

<b>Firefighter/EMT</b>	1	2	3	4	5	6	7	8		
	\$54,566.40	\$56,254.35	\$57,994.06	\$59,787.56	\$61,636.89	\$63,541.03	\$65,505.06	\$67,528.97		
<b>New</b>			1	2	3	4	5	6	7	
			\$58,238.96	\$60,131.73	\$62,086.01	\$64,103.81	\$66,187.18	\$68,338.26	\$70,559.25	
<b>Firefighter/Paramedic</b>	1	2	3	4	5	6	7	8	9	10
	\$56,586.25	\$58,335.10	\$60,137.74	\$61,995.19	\$63,911.51	\$65,885.68	\$67,921.77	\$70,020.79	\$72,184.77	\$74,414.73
<b>New</b>		Training		1	2	3	4	5	6	7
		\$58,663.20	\$62,909.60	\$64,954.16	\$67,065.17	\$69,244.79	\$71,495.25	\$73,818.85	\$76,217.96	
<b>Engineer</b>	1	2	3	4	5	6	7	8	9	10
	\$56,586.25	\$58,335.10	\$60,137.74	\$61,995.19	\$63,911.51	\$65,885.68	\$67,921.77	\$70,020.79	\$72,184.77	\$74,414.73
<b>New</b>				1	2	3	4	5	6	7
				\$62,909.60	\$64,954.16	\$67,065.17	\$69,244.79	\$71,495.25	\$73,818.85	\$76,217.96
<b>Captain</b>	4	5	6	7	8	9	10			
	\$67,900.46	\$70,362.85	\$72,914.56	\$75,559.65	\$78,300.15	\$81,144.18	\$84,090.72			
<b>New</b>				1	2	3	4	5	6	7
				\$78,637.00	\$81,192.70	\$83,831.46	\$86,555.98	\$89,369.05	\$92,273.54	\$95,272.43

BILL 10760

ORDINANCE

AN ORDINANCE APPROPRIATING \$140,673 FROM THE GEMT PROGRAM ACCOUNT TO MULTIPLE ACCOUNTS.

WHEREAS, the Ground Emergency Medical Transportation (GEMT) Uncompensated Cost Reimbursement Program is a voluntary program that allows for the reimbursement of uncompensated costs to eligible GEMT Program providers who provide qualifying emergency ambulance services to the Department of Social Services, MO HealthNet participants, and

WHEREAS, funds in the amount of \$140,673 needs to be appropriated from the GEMT Program Account as follows:

<u>To Account #</u>	<u>Amount</u>
101-1301-422.31.10 (Fire Department Professional Services)	\$ 47,799
101-0000-342.11.12 (Ambulance GEMT Revenue)	\$ 92,874

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

SECTION 1. Funds in the amount of \$140,673 are hereby appropriated from the GEMT Program Account as follows:

<u>To Account #</u>	<u>Amount</u>
101-1301-422.31.10 (Fire Department Professional Services)	\$ 47,799
101-0000-342.11.12 (Ambulance GEMT Revenue)	\$ 92,874

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.

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Mayor, City of Kirkwood

ATTEST:

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City Clerk  
1<sup>st</sup> Reading:  
2<sup>nd</sup> Reading:

# Legislation Request

## Ordinance

Place On The Agenda Of: 6/6/2019

### Step #1:

Strategic Plan NO

Goal # & Title

### Background To Issue:

The Ground Emergency Medical Transportation (GEMT) Uncompensated Cost Reimbursement Program is a voluntary program that allows for the reimbursement of uncompensated costs to eligible GEMT providers who provide qualifying emergency ambulance services to Department of Social Services, MO HealthNet participants. It is effective for services rendered to MO HealthNet participants by eligible GEMT providers on or after July 1, 2017.

Total reimbursement from MHD, including the uncompensated cost reimbursement, will not exceed one hundred percent of the GEMT provider's actual costs. Reimbursement shall be distributed to eligible and enrolled providers based on GEMT services provided to MO HealthNet participants on a per-transport basis.

Under this voluntary program, providers must agree to fund the non-federal share of GEMT uncompensated cost reimbursement using an intergovernmental transfer (IGT) payment method. The GEMT Program must be implemented without any additional expenditure from the state general fund. As a condition of participation under this program, an eligible provider must agree to reimburse MHD for administering and overseeing the GEMT program. On May 20, 2019 the City of Kirkwood received 92,873.26 in our checking account.

### Recommendations and Action Requested:

I ask Council to appropriate \$47,799 to account 101-1301-422-31-10 Fire Department Professional services account to fund the non-federal share of GEMT uncompensated cost reimbursement using an intergovernmental transfer (IGT) payment method and for expenses compiling report by the firm PCG(EMS). I also ask Council to appropriate \$92,874 to account 101-0000-342-11-12 Ambulance GEMT Revenue. The City of Kirkwood nets 45,074.94 by taking part in this program.

### Alternatives Available:

Taking part in the Ground Emergency Medical Transportation (GEMT) program is voluntary. We obtained Councils permission several months ago to pursue the added funding from this program.

Cost: \$140,673.00

Account #: 10113014223110

Project #:

Budgeted: NO

If YES, Budgeted Amount:

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


Department Head Comments:

BY: John Adams


Date: 5/21/2019

Authenticated: adamsjr

*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: GEMT Program

To Account # or Fund Name: See comments

Finance Director's Comments:

101-1301-422-3110 47,799 expense  
101-0000-342-11-12 Ambulance GEMT 92,874 Revenue

BY: John Adams

Date: 5/21/2019

Authenticated: adamsjr

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

Approve     Diasapprove

Chief Administrative Officer's Comments:

[Empty rectangular box for Chief Administrative Officer's Comments]

BY: 

Date: 5-30-19

BILL 10761

ORDINANCE

AN ORDINANCE APPROPRIATING \$1,358,126 FROM THE REAPPROPRIATIONS ACCOUNT TO ACCOUNT #505-2215-481.75.15, PROJECT #WA1907 FOR THE SWAN AVENUE PUMP STATION PROJECT.

WHEREAS, the Swan Avenue Pump Station project funds were not reappropriated for the Fiscal Year 2019/2020 Budget, and

WHEREAS, funds in the amount of \$1,358,126 needs to be appropriated from the Reappropriations Account to Account #505-2215-481.75.15, Project #WA1907.

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

SECTION 1. Funds in the amount of \$1,358,126 are hereby appropriated from the Reappropriations Account to Account #505-2215-481.75.15, Project #WA1907 for the Swan Avenue Pump Station project.

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

1<sup>st</sup> Reading:

2<sup>nd</sup> Reading:



# Legislation Request

## Ordinance

Place On The Agenda Of: 6/6/2019

Step #1:

Strategic Plan Select... Goal # & Title

### Background To Issue:

WA1907 Swan Avenue Pump Station, original budget 2,550,000, expended in 2018/2019 1,191,873, balance 1,358,126. The balance in the Swan Avenue project was not reappropriated. I ask Council to appropriate 1,358,126 to enable the water department to complete this project. The funds are in the hands of a trustee however we still need councils permission to expend the funds.

### Recommendations and Action Requested:

I ask Council to appropriate 1,358,126 in account 505-2215-481-75-15, Project WA1907.

### Alternatives Available:

Without Council approval we could not finish the project and risk possible budget violations.

Cost: \$1,358,126.00 Account #: 50522154817515 Project #: WA1907 Budgeted: NO

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

### Department Head Comments:

Project is ongoing in multiple fiscal years.

BY: John Adams

Date: 5/29/2019

Authenticated: adamsjr

*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: Reappropriations

To Account # or Fund Name: 505-2215-481-75-15, WA1907

Finance Director's Comments:

Ongoing project, multiple fiscal years, needs to be appropriated.

BY: John Adams

Date: 5/29/2019

Authenticated: adamsjr

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

Approve     Diasapprove

Chief Administrative Officer's Comments:

BY: 

Date: 5-30-19

RESOLUTION 86-2019

A RESOLUTION AUTHORIZING THE OFFERING FOR SALE OF REFUNDING CERTIFICATES OF PARTICIPATION (CITY OF KIRKWOOD, MISSOURI, LESSEE), SERIES 2019.

WHEREAS, the City of Kirkwood, Missouri (the "City") has previously caused the delivery of Taxable Certificates of Participation (City of Kirkwood, Missouri, Lessee), Series 2009 (Build America Bonds - Direct Pay) in the original principal amount of \$6,450,000 (the "Series 2009 Certificates") for the purpose of financing the construction of a water tower and the construction and replacement of water mains in the City; and

WHEREAS, the City desires to enter into lease transactions involving the sale and delivery of Refunding Certificates of Participation (City of Kirkwood, Missouri, Lessee), Series 2019 (the "Certificates") for the purpose of refunding the Series 2009 Certificates; and

WHEREAS, the City desires to engage WM Financial Strategies (the "Financial Advisor"), as financial advisor, to advise and assist the City in structuring the Certificates, to solicit proposals from underwriters or other purchasers for the Certificates, and to prepare the Preliminary and Final Official Statements for the Certificates; and

WHEREAS, the City desires to engage Gilmore & Bell, P.C., as special tax counsel, to proceed with the preparation of all legal proceedings and documents necessary for the execution, sale and delivery of the Certificates.

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

SECTION 1. The City hereby engages WM Financial Strategies as financial advisor to the City with respect to the execution, sale and delivery of the Certificates in accordance with the terms of the Financial Advisory Agreement attached hereto as Exhibit A, which the Mayor is authorized to sign on behalf of the City. The Financial Advisor is hereby authorized to prepare and distribute a Preliminary Official Statement and to solicit proposals from underwriters or other purchasers of the Certificates.

SECTION 2. The City hereby appoints the law firm of Gilmore & Bell, P.C. to serve as the City's special tax counsel with respect to the execution, sale and delivery of the Certificates in accordance with the terms of the Proposal for Special Tax Counsel Services attached hereto as Exhibit B, which the Mayor is authorized to sign on behalf of the City. Gilmore & Bell, P.C. is hereby authorized and directed to proceed with the preparation of all legal proceedings and documents necessary for the execution, sale and delivery of the Certificates.

SECTION 3. In connection with the proposed delivery and sale of the Certificates, it is currently anticipated that the Certificates will be rated by Moody's Investors Service, Inc. (the "Rating Agency"). The City acknowledges and agrees that even if the Certificates are not delivered as contemplated herein, the City will remain obligated to pay the fees and charges of the Rating Agency. The Mayor is authorized to execute an agreement with the Rating Agency on behalf of the City in an amount not to exceed \$18,000.

SECTION 4. The officers and representatives of the City are hereby authorized and directed to take such actions as may be necessary to carry out the sale and delivery of the Certificates.

SECTION 5. This Resolution shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED THIS 6TH DAY OF JUNE, 2019.

\_\_\_\_\_  
Mayor, City of Kirkwood

ATTEST:

\_\_\_\_\_  
City Clerk

# Legislation Request

## Resolution

Place On The Agenda Of: 6/6/2019

Step #1:

Strategic Plan Select... Goal # & Title

### Background To Issue:

The City of Kirkwood has an opportunity to save a significant amount of money by refunding our Series 2009 bonds. Our current estimates show the City can save over four hundred thousand dollars by refunding. Please remember these are estimates based on the market at this time which can change quickly. The team will monitor the market and report any significant changes to the CAO.

### Recommendations and Action Requested:

I ask council to approve the attached resolution contracting with Joy Howard as the City's financial advisor and Gilmore & Bell, P.C. as the City's special tax counsel. This resolution authorizes the staff and financial advisor and special tax counsel to proceed to take such actions as may be necessary to carry out the sale and delivery of the refunding. Approve an amount not to exceed \$18,000 to execute an agreement with the rating agency.

### Alternatives Available:

The market will be monitored and the City of Kirkwood will only proceed if the savings are substantial enough to warrant the refunding. The City Council can stop the refunding if the market changes substantially.

Cost: \$65,000.00 Account #: TBD Project #: Budgeted: NO

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

### Department Head Comments:

The costs are 12,000 for the financial advisor, 35,000 for special bond counsel, and 18,000 for the rating agency. The first expense associated with the refunding will be for the rating agency. All costs will be paid when the refunding is complete.

BY: John Adams Date: 5/29/2019 Authenticated: adamsjr

*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: Bond proceeds

To Account # or Fund Name: Rating agency

Finance Director's Comments:

I recommend Council approve the attached resolution and contracts.

BY: John Adams

Date: 5/29/2019

Authenticated: adamsjr

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

Approve

Diasapprove

Chief Administrative Officer's Comments:

BY:



Date:

5-30-19

**EXHIBIT A**

**FINANCIAL ADVISORY AGREEMENT**

## FINANCIAL ADVISORY AGREEMENT

This Financial Advisory Agreement (the "Agreement"), dated as of \_\_\_\_\_, 2019, is between Joy A. Howard /dba/ WM Financial Strategies and the City of Kirkwood, Missouri (the "City").

The City agrees to hire WM Financial Strategies and WM Financial Strategies agrees to act as financial advisor to the City to provide services relating to the issuance of Certificates of Participation (the "Certificates"), on the terms set forth below:

1. **PROJECT DESCRIPTION.** Subject to continued favorable interest rates the City intends to issue Certificates of Participation for the purpose of refunding the City's outstanding Certificates of Participation, Series 2009.
2. **SCOPE OF SERVICES.** The City hires WM Financial Strategies to provide the services set forth in the attached Exhibit. All services described in the Exhibit are hereby incorporated by reference.
3. **AGREEMENT TO PROVIDE INFORMATION.** The City agrees to provide WM Financial Strategies with information required to provide the services set forth herein, including financial statements, budgets, and other relevant documents.
4. **ADVISORY FEES.** WM Financial Strategies shall receive a fee equal to \$12,000 payable and contingent upon the closing of the sale of the Certificates.
5. **OUT-OF-POCKET EXPENSES.** WM Financial Strategies' fee includes the cost of out-of-pocket expenses for in-house reproductions, postage and courier services.
6. **BILLING STATEMENT.** The City will receive an invoice upon the closing of the Certificates which shall be due and paid promptly following the closing but within 30 days of such closing.
7. **PROPERTY OWNERSHIP.** All reports, studies and data obtained or compiled as part of this Agreement shall be the property of the City. All such reports, studies and data shall be delivered promptly to the City as completed. The City may additionally request receipt of partially completed reports, studies and data in order to assess the status of completion of services.
8. **TERMINATION AND MODIFICATION BY SUBSEQUENT AGREEMENT.** This agreement shall terminate upon the sooner of June 1, 2021 or completion of the refunding. This Agreement may be modified by subsequent agreement of the parties only by an instrument in writing signed by both parties.

The City of Kirkwood, Missouri

WM Financial Strategies

BY: \_\_\_\_\_

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

TITLE: \_\_\_\_\_



## **EXHIBIT SERVICES**

- **Financing Plan**

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WM Financial Strategies will develop a financing plan that will include recommendations with respect to the timing of the Certificate sale, a maturity schedule, redemption features, reserve funding, and other terms required to market the Certificates.

- **Document Preparation**

---

WM Financial Strategies will assist the City and Special Tax Counsel in the development of the authorizing ordinance, lease agreement, indenture, and other documents.

- **Official Statement Preparation**

---

WM Financial Strategies will prepare the Preliminary and Final Official Statement (collectively the "Official Statement") to be used in conjunction with the sale of securities. In order to assist the City in fulfilling its disclosure obligations, WM Financial Strategies will prepare the official statement in a form consistent with the Government Finance Officers Association's Disclosure Guidelines. In preparing the Official Statement WM Financial Strategies will collect, research, develop and compile data for use therein and shall attempt to remove as much of this responsibility as possible from the City's staff; however, the City will be responsible for the accuracy of the Official Statement.

- **Trustee Selection**

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WM Financial Strategies shall assist the City in selecting a Trustee.

- **Certificate Marketing**

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WM Financial Strategies shall develop a marketing plan for the sale of Certificates including preparing a request for proposals, appraising the proposals received, recommending the firm to be selected and finalizing the terms of the sale to reflect the City's best interest.

- **Certificate Sale Services**

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WM Financial Strategies shall represent the City at the time of the sale in comparing pricing proposed to the pricing set forth in the proposal and shall negotiate the best possible pricing based on market conditions and the proposal specifications. Following the award of the Certificates, WM Financial Strategies shall not be responsible for monitoring the sale (e.g. pricing) of the Certificates.

- **Rating**

---

WM Financial Strategies shall use its best efforts in obtaining the highest possible rating for the issue. The process to be utilized for this purpose will include making a credit review of the City, advising the City of the findings, rehearsing possible rating questions, making an analysis of areas which can be expected to be raised by the rating agency, preparing supplemental reports and schedules for the rating agency, and preparing for a possible visit to the rating agency, if desirable.

- **Market Analysis**

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In order to appropriately advise the City on the establishment of a desirable sale date and to keep the City abreast of the cost of the financing plan under development, WM Financial Strategies shall monitor the following:

- The general condition and trends in the economy.
- The condition of capital markets including the imposition of any unusual restraints on monetary supply by the Federal Reserve System.
- The status of recently sold municipal issues.
- The supply of issues coming to market.

- **Mathematical Computations**

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WM Financial Strategies will prepare maturity schedules and other schedules showing mathematical results including the source and disbursement of funds, yield calculations, and savings. These schedules will be prepared using the computer systems and proprietary software maintained by WM Financial Strategies. The schedules will be updated from time to time to reflect changes in market conditions.

- **Attendance at Meetings**

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WM Financial Strategies shall attend meetings to explain the progress of the transaction and the various documents to be adopted by the City.

- **Closing Services**

---

WM Financial Strategies will provide services required to effectuate the closing of the Certificates sale including assisting with the establishment of the Certificates accounts, transfer of funds at the time of the Certificate closing, and obtaining CUSIP identification numbers.

## REQUIRED DISCLOSURES

WM Financial Strategies, is a registered municipal advisor with the Securities and Exchange Commission ("SEC") and the Municipal Securities Rulemaking Board ("MSRB"). The Municipal Securities Rulemaking Board requires disclosures relating to (a) conflicts of interest, (b) disciplinary events filed with the Securities and Exchange Commission, and (c) fee arrangements. These disclosures are set forth below:

- (a) WM Financial Strategies has no known conflicts of interest relating to this transaction.
- (b) Joy A. Howard has not been the subject of any disciplinary event.
- (c) The Municipal Advisor Agreement includes contingent fees payable upon the closing of the bond sale. The Municipal Securities Rulemaking Board has identified fees contingent on the closing of a transaction as a potential conflict of interest since it could encourage proceeding with a transaction that may not be feasible; however, WM Financial Strategies has a fiduciary duty to serve in the City's best interest which should mitigate the potential conflict of interest.

WM Financial Strategies is required to provide its clients the following information at least once in any calendar year during the term of its engagement:

- (a) Notice that as a client of a registered municipal advisor you have certain protections from the MSRB.
- (b) You may access a brochure regarding your protections and how to file a complaint on the MSRB's website at <http://www.msrb.org>.

**EXHIBIT B**

**PROPOSAL FOR SPECIAL TAX COUNSEL SERVICES**



# GILMORE BELL

One Metropolitan Square  
211 N. Broadway, Suite 2000  
St. Louis, Missouri 63102-2746

(314) 436-1000 / (314) 436-1166 FAX / gilmorebell.com

June 6, 2019

Mayor and City Council  
City of Kirkwood  
139 S. Kirkwood Road  
Kirkwood, Missouri 63122

Re: City of Kirkwood, Missouri – Proposed Delivery of Refunding Certificates of Participation, Series 2019

Dear Mayor and Members of the City Council:

We are pleased to submit this proposal to serve as special tax counsel in connection with the proposed delivery of Refunding Certificates of Participation (City of Kirkwood, Missouri, Lessee), Series 2019 (the “Certificates”). The purpose of this letter is to set forth our responsibilities and fees with respect to this financing.

As special tax counsel, we will perform the following services:

1. assist the City’s financial advisor or underwriter in planning the financing and structuring the issue;
2. examine applicable law as it relates to the authorization and delivery of the Certificates and our opinions, and advise the City regarding the legal authority for the delivery of the Certificates and other legal matters related to the financing;
3. prepare the ordinances authorizing the Certificates, and other authorizing proceedings and legal documents relating to the authorization and delivery of the Certificates;
4. attend meetings and conferences related to the financing and otherwise consult with the parties to the transactions prior to the delivery of the Certificates;
5. assist the City’s financial advisor or underwriter in preparing certain portions (described below) of the Official Statement or any other disclosure document to be disseminated in connection with the sale of the Certificates;
6. assist the City or others in obtaining from governmental authorities such approvals as we determine are necessary or appropriate with respect to the Certificates;

7. review certified proceedings and documents relating to the authorization and delivery of the Certificates;
8. render our legal opinions regarding the validity of the Certificates, the federal and Missouri income tax treatment of interest on the Certificates, and such related matters as may be necessary or appropriate;
9. coordinate the closing of the transaction with the City's financial advisor or underwriter, and after closing assemble and distribute a transcript of the proceedings and documentation relating to the authorization and delivery of the Certificates; and
10. undertake such additional duties as we deem necessary to complete the financing and to render our opinions.

Our opinion will be executed and delivered by us in written form on the date the Certificates are exchanged for their purchase price and will be based on facts and law existing as of such date. Upon delivery of the opinion, our responsibilities as special tax counsel will be concluded with respect to this financing. Specifically, but without implied limitation, we do not undertake (unless separately engaged) to provide continuing advice to the City or any other party concerning any actions necessary to assure that interest paid on the Certificates will continue to be excluded from gross income for federal income tax purposes or to assure compliance with the continuing disclosure requirements of applicable federal securities laws. Nonetheless, subsequent events may affect the tax-exempt status of interest on the Certificates and compliance with federal securities laws. Consequently, continued monitoring and other action to assure compliance with these requirements may be necessary. Should the City want our firm to assist with such compliance (*e.g.*, arbitrage rebate calculations and ongoing securities law disclosure), our participation in such post-closing matters must be specifically requested, and a separate engagement involving additional compensation will be required.

In rendering our opinion, we will rely upon the certified proceedings and other certifications of public officials and other persons furnished to us without undertaking to verify the same by independent investigation. We do not review the financial condition of the City, the feasibility of the projects to be refinanced with the proceeds of the Certificates, or the adequacy of the security provided to investors, and we will express no opinion relating thereto.

In performing our services as special tax counsel, our client will be the City and we will represent its interests. We assume that other parties to the transaction will retain such counsel as they deem necessary and appropriate to represent their interests in this transaction. Our representation of the City does not alter our responsibility to render an objective opinion as special tax counsel.

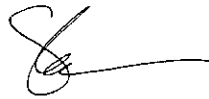
As special tax counsel, we will not assume or undertake responsibility for the preparation of an Official Statement or any other disclosure document with respect to the Certificates (except as described herein), nor are we responsible for performing an independent investigation to determine the accuracy, completeness or sufficiency of any such document. However, if a disclosure document will be adopted or approved by the City, our responsibility will include the preparation or review of any description therein of: (i) the terms of the Certificates, (ii) legal matters, (iii) Missouri and federal law pertinent to the validity of the Certificates and the income tax treatment of interest paid thereon, (iv) appropriate description or summary of the documents authorizing the Certificates and (v) our opinion.

June 6, 2019  
Page 3

Based upon our current understanding of the terms, structure, size (approximately \$3,580,000) and schedule of the financing, we propose a fee of \$35,000 (inclusive of out-of-pocket expenses). If the issue size increases over \$3,580,000, our fee will be \$35,000 plus \$2.00 per \$1,000 over \$3,580,000 (inclusive of out-of-pocket expenses).

If the foregoing terms of this engagement are acceptable, please have an appropriate official of the City sign and return the enclosed copy of this letter, retaining the original for your or the City's files. We look forward to working with you.

Very truly yours,



Shannon W. Creighton

SWC/mas

ACCEPTED and APPROVED:

Date: \_\_\_\_\_, 2019

**CITY OF KIRKWOOD, MISSOURI**

By: \_\_\_\_\_  
Title: \_\_\_\_\_

CITY OF KIRKWOOD RECORDS DESTRUCTION FORM

Document					Destruction		
Date	Record Name	Brief Description	Retention Period	Date	Hard Copy	Electronic	
9/19/18	POL 025	1995-1991 IA-INV	5 YRS	9/19/18	✓		
9/19/18	POL 025	2010-2012 IA Inv	5 YRS	9/19/18	✓		
9/19/18	POL 024	2014 IA-Complaints	1 yr after exp	9/19/18	✓		
9/19/18	POL 024	2013 - IA Complaints	1 yr after exp	9/19/18	✓		
9/19/18	POL 025	1997-1998 IA-INV	5 YRS	9/19/18	✓		
9/19/18	POL 025	2013- IA-INV	5 YRS	9/19/18	✓		
10/15/18	GS 085	8/2015 10/2015 staff mechanics	3 YRS	10/15/18		✓	
10/26/18	GS 076	RADAR Sign out 10/2017 - Dec 2017	destroy after audit	10/26/18	✓		
1/3/19	DOL 002	VACATION WITH 2017	1 YR	1/3/19	✓		
1/3/19	<del>POL 002</del> POL 026	USE OF FORCE RPTS 2013	5 YRS	1/3/19	✓		
1/3/19	GS 060	MIDWEST HINDA APR 2015	3 YRS	1/3/19	✓		
1/3/19	GS 060	Midex Agreement 2011	3 YRS	1/3/19	✓		
1/3/19	DOL 002	Ride Along Agreement 2017	1 YR	1/3/19	✓		
1/9/19	GS 083	Injury Rpts PD 2013	5 YRS	1/9/19	✓		
1/9/19	GS 083	Accident Rpts 2013	5 YRS	1/9/19	✓		
1/9/19	POL 008	AIL Inspections 2013	5 YRS	1/9/19	✓		
3/1/19	POL 00 026	USE OF FORCE RPTS JAN 2014	5 YRS	3/1/19	✓		
3/1/19	POL 025	Pursuits JAN-FEB 2014	5 YRS	3/1/19	✓		
3/1/19	GS 083	Incident/Injury RPTS JAN 2014	5 YRS	3/1/19	✓		
2014	POL 026	USE OF FORCE RPTS - 1/2014 - 4/2014	5 YRS	5/15/19	✓	✓	
5/1/15	GS 060	MIDWEST - HINDA Agreement 2015	3 YRS	5/21/19		✓	

Submitted by: D. Coy

Date 5/21/19

Approved by: Department Head Don Ruff

Date 5/21/19

Approved by: City Clerk Laurie Cochran

Date 5/28/19