



**REGULAR MEETING
AGENDA
CITY OF CREVE COEUR
CITY COUNCIL
300 NORTH NEW BALLAS RD
JANUARY 10, 2022
7:00 PM**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

COMMENTS FROM THE GENERAL PUBLIC

ACCEPTANCE OF THE AGENDA

ANNOUNCEMENTS

*The City Council meets the 2nd and 4th Monday of each month
6:00 p.m. - 7:00 p.m. - Work Session
7:00 p.m. - Regular Meeting of the City Council*

CONSENT AGENDA

Approval of December 13, 2021 City Council Regular Meeting Minutes

BILLS PAYABLE REPORT

For Information Only

Invoices Paid Listing

Summary: For your information and transmittal to the City Council, attached is a list of paid invoices from December 9, 2021 through January 5, 2022 in the amount of \$487,876.88.

UNFINISHED BUSINESS

- 1. Bill No. 5990 - an Ordinance of the City of Creve Coeur, Missouri, Regarding Electric Bicycles and Motorized Scooters. Final Reading and Passage.**

Summary: The ordinance will address the regulation of electric bicycles following recent state legislation (SB 176). The ordinance establishes definitions for each class of electric bicycle, limits e-bicycles to 12 mph in city parks, and provides for other regulation of such bikes. Deferred by City Council on December 13. Further deferral requested to allow additional discussion by Parks and Historic Preservation Committee regarding regulation of e-bikes in city parks.



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2. **Bill No. 5994- an Ordinance Amending Subsection 365.140.B of the City of Creve Coeur Code of Ordinances Regarding Excessive Vehicle Noise to Specifically Address Use of Engine Brakes. Final Reading and Passage.**
Summary: The proposed ordinance will prohibit excessive noise from engine brakes.

3. **Bill No. 5995- an Ordinance of the City Council of the City of Creve Coeur, Missouri, Authorizing the Execution of a Supplemental Agreement with the Missouri Highways and Transportation Commission to Enable the City to Construct a Traffic Signal and Related Improvements at the Intersection of Lindbergh Boulevard and Old Olive Street Road. Final Reading and Passage.**

Summary: The City has been awarded grant funding from multiple sources for a project to reconfigure the intersection of Lindbergh Boulevard at Old Olive Street Road. The City entered into a program agreement with the State in 2020 for one of the funding sources. The proposed supplemental agreement will incorporate two additional funding sources into the funding package for the project.

NEW BUSINESS

4. **Bill No. 5996-Ordinance Amending Chapter 140, Finances, of the Code of Ordinances, for the City of Creve Coeur. First Reading.**

Summary: This will amend the Purchasing & Sales Policy to update the definitions to include all departments; change the informal bid process from \$1,500 to \$2,500; eliminate the need for a Purchase Order (PO) for purchases between \$2,500 and \$7,499; eliminate the need for a PO for all Exempt Purchases (ex. sole-source, fuel purchases, professional services, term & supply and annual contracts, emergency purchases, employee benefits, debt payments, maintenance contracts for already purchased items); reorganize policy to flow better; require all Contracts to be entered in the financial software; make disposal of goods match what goes to council, which are items over \$25,000; as well as some other minor updates.



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- 5. Bill No. 5997 an Ordinance of the City of Creve Coeur, Missouri, Imposing a Use Tax for General Revenue Purposes at the Rate Equal to the Total Local Sales Taxes in Effect for the Privilege of Storing, Using or Consuming Within the City Any Article of Tangible Personal Property Pursuant to the Authority Granted by and Subject to the Provisions of Sections 144.600 through 144.761 RSMo; Providing for the Use Tax to be Repealed, Reduced or Raised in the Same Amount as Any City Sales Tax is Repealed, Reduced or Raised; and Providing for Submission of the Proposal to the Qualified Voters of the City for Their Approval at the General Election Called and to be Held in the City on April 5, 2022.**

Summary: The draft ordinance will place the use tax on the April 5, 2022 ballot for voter consideration. The use tax applies to out-of-state purchases goods by Creve Coeur residents and businesses, at the same rate as the local sales tax. Goods which are exempt from sales tax will be exempt from the use tax, and in no event would a purchase be subject to both a sales and use tax.

- 6. Bill No. 5998 an Ordinance Authorizing a New Conditional Use Permit for a Drive through Pharmacy Kiosk, at 701 S New Ballas Road Within the Mercy Medical Campus, Zoned Ph-Planned Hospital District. First Reading.**

Summary: George Stock, Stock and Associates Consulting Engineers, on behalf of Mercy Health East Communities c/o Geralyn Lynch, has submitted an application for a Conditional Use Permit for a freestanding drive through pharmacy kiosk at the Mercy Ballas Outpatient Center, currently under construction. Pharmacy kiosks in the PH-Planned Hospital District are listed under CCNAICS 442100 All Drive-in and Drive-through Services (excluding Food Services) as a conditional use. The Planning and Zoning Commission recommended approval at its meeting on December 20, 2021.

APPOINTMENTS

Arts Committee

BUSINESS FROM MAYOR AND CITY COUNCIL

Council Liaison Reports

BUSINESS FROM CITY ADMINISTRATOR

Pursuant to Section 610.022 RSMo., the City Council could, at any time during the meeting, vote to close the public meeting and move to closed session to discuss



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matters relating to litigation, legal actions and/or communications from the City Attorney as provided under Section 610.021(1) RSMo. and/or personnel matters under Section 610.021(13) RSMo. And/or employee matters under Section 610.021(3) RSMo. and/or real estate matters under Section 610.021(2) or other matters as permitted by Chapter 610.

Posted: _____ posted 01/7/2022
Kellie Henke
City Clerk



**REGULAR MEETING
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CITY OF CREVE COEUR
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300 NORTH NEW BALLAS RD
DECEMBER 13, 2021
7:30 PM**

CALL TO ORDER

A regular meeting of the City Council of the City of Creve Coeur was called to order by Mayor Robert Hoffman at the City Council Chamber, 300 North New Ballas Rd, City of Creve Coeur Government Center, Creve Coeur, MO 63141 on Monday, December 13, 2021 at 7:30 PM.

PLEDGE OF ALLEGIANCE

Mayor Hoffman led the Pledge of Allegiance

ROLL CALL

Council Member, Ward 1 Mark Manlin
Council Member, Ward 1 Heather Silverman
Council Member, Ward 2 Tim Carney
Council Member, Ward 2 Nicole Greer
Council Member, Ward 3 Alice Benner
Council Member, Ward 3 David Hoffman
Council Member, Ward 4 Joseph Martinich
Council Member, Ward 4 Dan Tierney
Mayor Robert Hoffman

Staff In Attendance

City Administrator Mark Perkins, City Attorney Carl Lumley, Director of Community Development Jason Jaggi, Director of Finance Lori Obermoeller, Director of Public Works Jim Heines, Director of Recreation Jason Valvero, Chief of Police Jeff Hartman, Assistant Director of Public Works/City Engineer Matt Wohlberg, Information Systems Coordinator Chris Tumbarello and City Clerk Kellie Henke.

COMMENTS FROM THE GENERAL PUBLIC

No one requested to speak.

ACCEPTANCE OF THE AGENDA

Accept the Agenda as Presented



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RESULT:	APPROVED [UNANIMOUS]
MOVER:	Heather Silverman, Council Member, Ward 1
SECONDER:	Nicole Greer, Council Member, Ward 2
AYES:	Manlin, Silverman, Carney, Greer, Benner, Hoffman, Martinich, Tierney

ANNOUNCEMENTS

The City Council meets the 2nd and 4th Monday of each month

6:00 p.m. - 7:00 p.m. - Work Session

7:00 p.m. - Regular Meeting of the City Council

The City Council Work Session and Regular Meeting Scheduled for December 27, 2021 is canceled.

CONSENT AGENDA

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dan Tierney, Council Member, Ward 4
SECONDER:	Heather Silverman, Council Member, Ward 1
AYES:	Manlin, Silverman, Carney, Greer, Benner, Hoffman, Martinich, Tierney

The vote on the motion being 8 ayes and 0 nays, motion carried.

Approval of November 22, 2021 City Council Regular Meeting Minutes

Records Destruction for Finance

BILLS PAYABLE REPORT

For Information Only

Invoices Paid Listing

Summary: For your information and transmittal to the City Council, attached is a list of paid invoices from November 18, 2021 through December 8, 2021 in the amount of \$569,285.41.

UNFINISHED BUSINESS



**MINUTES
CITY OF CREVE COEUR
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7:30 PM**

1. Take from the Table and Resume Consideration Bill No. 5889- an Ordinance Approving a Final Subdivision Plat for a Subdivision Known as Douglas-Graeser Lane, City of Creve Coeur, St. Louis County, Missouri - Eligible for Final Reading and Passage

Motion by Council Member Tierney to un-table and resume consideration of Final Reading and Passage, seconded by Council Member Manlin.

The vote on the motion being 8 ayes and 0 nays, motion carried.

City Clerk read Bill No. 5889 for the final time.

Director of Community Development Jason Jaggi summarized the improvement plans approved by the Planning and Zoning Commission on December 6, 2021 which included relocating the driveway of the corner lot to Graeser Lane and updating the stormwater and tree plans for both properties.

City Attorney Carl Lumley stated the easements have been submitted and reviewed for approval.

Council Member Silverman stated a review of the tree ordinance was also suggested at the Planning and Zoning Committee work session with City Council on December 6, 2021.

Council Member Tierney made a motion, seconded by Council Member Silverman to approve Bill No. 5889.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dan Tierney, Council Member, Ward 4
SECONDER:	Heather Silverman, Council Member, Ward 1
AYES:	Manlin, Silverman, Carney, Greer, Benner, Hoffman, Martinich, Tierney

The vote on the motion being 8 ayes and 0 nays, motion carried. Bill No. 5889 becomes Ordinance No. 5761.

2. Bill No. 5990 - an Ordinance of the City of Creve Coeur, Missouri, Regarding Electric Bicycles and Motorized Scooters. Final Reading and Passage.

City Clerk read Bill No. 5990 for the final time.

Council Member Manlin read a letter of opposition on behalf of resident Stanley Estrin, 42 Country Fair Lane (Exhibit A).

Mayor Hoffman read a letter of opposition on behalf of resident Michael Smock, 11201 Mosley Hill Dr (Exhibit A).



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Council Member Hoffman and Benner both stated they received comments about safety concerns as the ordinance would prohibit children from using sidewalks to ride their bikes.

Hall Harris, resident of 16 Country Fair Lane and Chair of Energy and Environment Committee, shared his concerns about the safety of younger people not being able to ride their bikes on the sidewalk.

Mayor Hoffman stated two proposals have been discussed to address the issue; permit children under the age of 16 to use sidewalks or eliminate prohibition of bicycles from sidewalks completely.

Council Member Manlin stated he would support removing bicycles from prohibition as enforcement may be difficult.

Council Member Carney stated he agrees with Council Member Manlin. Council Member Carney stated the section of the ordinance regarding riding on a county or state road sidewalks may be confusing.

Council Member Tierney asked if the bill can be tabled, to which Mr. Lumley advised a motion can be made to defer until the next meeting. Mr. Lumley also clarified the Missouri statute referred to in the letter received by Stanley Estrin is a model traffic code set by the state for cities to adopt if they choose; Creve Coeur has not adopted this code.

Council Member Benner stated she is leaning towards removing bicycles from the prohibition and asked if there are a lot of accidents within the city involving bicyclist and pedestrians, to which Chief Jeff Hartman stated there is no growing trend for bicyclist vs pedestrian or automobiles.

Gwen Dannenmueller, resident of 381 Hibler Ct, stated more clarification is needed regarding speed limits set within the ordinance for each type of electric bike and scooter.

RESULT:	CONTINUED TO NEXT MEETING [UNANIMOUS]	Next: 1/10/2022 7:00 PM
MOVER:	Dan Tierney, Council Member, Ward 4	
SECONDER:	Joseph Martinich, Council Member, Ward 4	
AYES:	Manlin, Silverman, Carney, Greer, Benner, Hoffman, Martinich, Tierney	

The vote on the motion to defer to next meeting being 8 ayes and 0 nays, motion carried.

3. Bill No. 5991- an Ordinance Authorizing a New Conditional Use Permit for Gateway Coffee Company at 12806 Olive Boulevard Within the Bellerive Plaza Shopping Center, Zoned GC-General Commercial. Final Reading and Passage.

City Clerk read Bill No. 5991 for the final time.



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RESULT:	APPROVED [UNANIMOUS]
MOVER:	Nicole Greer, Council Member, Ward 2
SECONDER:	Heather Silverman, Council Member, Ward 1
AYES:	Manlin, Silverman, Carney, Greer, Benner, Hoffman, Martinich, Tierney

The vote on the motion being 8 ayes and 0 nays, motion carried. Bill No. 5991 becomes Ordinance No. 5763.

4. Bill No. 5992 - Ordinance Amending Sections 240.020, 240.030, 240.040 and 240.070 of the Creve Coeur Code of Ordinance Pertaining to Recreation Fees. Final Reading and Passage.

City Clerk read Bill No. 5992 for the final time.

Director of Recreation Jason Valvero summarized the recommendations made by the Parks and Historic Preservation Committee on December 8, 2021 which included limiting the ice rink rental increase to \$15 and the committee will review within the next year to see if additional increases should be made on a yearly or bi-yearly basis.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	David Hoffman, Council Member, Ward 3
SECONDER:	Nicole Greer, Council Member, Ward 2
AYES:	Manlin, Silverman, Carney, Greer, Benner, Hoffman, Martinich, Tierney

The vote on the motion being 8 ayes and 0 nays, motion carried. Bill No. 5992 becomes Resolution No. 5764.

5. Bill No. 5993 - an Ordinance Amending Title III of the Code of Ordinances, Schedule IX, Table IX-A, to Add the Roadway of Town and Four Dr. from Breakwater Way to 12800 Block of Town and Four Dr. Designated as No Parking. Final Reading and Passage.

City Clerk read Bill No. 5993 for the final time.

Mayor Hoffman read a letter of support from Marye Thomlison, resident of 12884 Castleton Ct (Exhibit A).

Olivia Jones, resident of 830 Mariners Point Dr, shared her support of the ordinance and thanked City Council for its review.



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RESULT:	APPROVED [UNANIMOUS]
MOVER:	Nicole Greer, Council Member, Ward 2
SECONDER:	Heather Silverman, Council Member, Ward 1
AYES:	Manlin, Silverman, Carney, Greer, Benner, Hoffman, Martinich, Tierney

The vote on the motion being 8 ayes and 0 nays, motion carried. Bill No. 5993 becomes Ordinance No. 5765.

NEW BUSINESS

6. Bill No. 5994- an Ordinance Amending Subsection 365.140.B of the City of Creve Coeur Code of Ordinances Regarding Excessive Vehicle Noise to Specifically Address Use of Engine Brakes. First Reading.

City Clerk read Bill No. 5994 for the first time.

Mark Perkins stated the City Attorney drafted a memo that clarifies the sections of the ordinance being amended and advised this will allow the city to request signage from MoDOT in an effort to create public awareness.

RESULT:	FIRST READING	Next: 1/10/2022 7:00 PM
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7. Bill No. 5995- an Ordinance of the City Council of the City of Creve Coeur, Missouri, Authorizing the Execution of a Supplemental Agreement with the Missouri Highways and Transportation Commission to Enable the City to Construct a Traffic Signal and Related Improvements at the Intersection of Lindbergh Boulevard and Old Olive Street Road. First Reading.

City Clerk read Bill No. 5995 for the first time.

Assistant Director of Public Works/City Engineer Matt Wohlberg gave a presentation regarding additional funding sources for the barrier removal and roadway/lane modification project at Lindbergh and Old Olive. Mr. Wohlberg recommends proceeding with the supplemental agreement proposed as it would add federal funding through the Surface Transportation Block Grant Program (STP) and add the possibility of using the Governor's Transportation Cost Share Program.

RESULT:	FIRST READING	Next: 1/10/2022 7:00 PM
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8. Resolution No. 1570- a Resolution of the City Council of the City of Creve Coeur, Missouri, Authorizing the Exercise of the Option to Extend the Contract with the Greenwood Group, LLC for Right of Way Maintenance Services and Grounds Maintenance Services for the Estimated, Not-To-Exceed Contract Sum of \$76,237.25 for the 2022 Growing Season.



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City Clerk read Resolution No. 1570.

Assistant Director of Public Works/City Engineer Matt Wohlberg presented staff's recommendation to extend the contract with The Greenwood Group, LLC for Right of Way and Grounds maintenance services for the 2022 Growing Season.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Heather Silverman, Council Member, Ward 1
SECONDER:	Nicole Greer, Council Member, Ward 2
AYES:	Manlin, Silverman, Carney, Greer, Benner, Hoffman, Martinich, Tierney

The vote on the motion being 8 ayes and 0 nays, motion carried.

9. Resolution No. 1571- a Resolution Authorizing the City of Creve Coeur to Purchase Five 2022 Ford Police Utility Hybrid Vehicles from Joe Machens Ford Lincoln for the Total Amount of \$203,010 in Accordance with State Contract Number: Cc210416003

City Clerk read Resolution No. 1571.

Chief Jeff Hartman presented staff's recommendation to purchase five 2022 Ford Police Utility Hybrid Vehicles as the vehicles will result in fuel savings and will also have a reduced impact on the environment.

Council Member Tierney asked about the Police Departments interest in electric cars, to which Chief Hartman stated it will be something they will look at in the future, but no funds were allocated for electric cars in this year's budget.

Gwen Dannenmueller, resident of 381 Hibler Ct, stated she agreed with moving forward with a hybrid vehicle and does not believe an electric car would be a good option.

Council Member Greer asked if there will a delivery impact due to recent vehicle shortages, to which Chief Hartman stated yes, but he unsure as to what extent.

Hal Harris, resident of 16 Country Fair Ln and Chair of the Energy and Environment Committee, stated he is disappointed with the selection of a hybrid vehicle and asked what the city can do in the future to look into other options. Chief Hartman stated for officer safety, vehicles that come with a police package, pursuit rated package, are more likely considered and only specific manufacturers have this available. Chief Hartman restated electric cars will be looked into for the future, but no funds were allocated for this year.



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RESULT:	APPROVED [UNANIMOUS]
MOVER:	Heather Silverman, Council Member, Ward 1
SECONDER:	David Hoffman, Council Member, Ward 3
AYES:	Manlin, Silverman, Carney, Greer, Benner, Hoffman, Martinich, Tierney

The vote on the motion being 8 ayes and 0 nays, motion carried.

10. Resolution No. 1572- a Resolution of the City of Creve Coeur, Missouri, Amending Resolution No. 1519, Extending the Time for the Final Recommendations of the Venable Park Task Force.

City Clerk read Resolution No. 1572.

Director of Recreation Jason Valvero discussed staff's recommendation to extend the Venable Park Task Force in order to complete the park memorial phase.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Nicole Greer, Council Member, Ward 2
SECONDER:	David Hoffman, Council Member, Ward 3
AYES:	Manlin, Silverman, Carney, Greer, Benner, Hoffman, Martinich, Tierney

The vote on the motion being 8 ayes and 0 nays, motion carried.

11. Resolution No. 1573- a Resolution of the City Council of the City of Creve Coeur, Missouri, Authorizing the Execution of a Contract with Spencer Contracting Company for the Malcolm Terrace Park Parking Lot Project for the Not-To-Exceed Contract Sum of \$63,911.50.

City Clerk read Resolution No. 1573.

Assistant Director of Public Works/ City Engineer Matt Wohlberg summarized the recommended contract with Spencer Contracting company for Malcolm Terrace Park improvements consisting of repaving the parking lot, improving drainage, adding additional sidewalks, and improving existing pathways.

Council Member Carney stated he has received concerns from residents in Malcolm Terrace Park regarding the lack of parking.

Mr. Wohlberg stated this project will not include expanding the parking.

Council Member Tierney stated that due to the increased usage of the parks, parking is starting to become an issue and should be reviewed.



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RESULT:	APPROVED [UNANIMOUS]
MOVER:	Nicole Greer, Council Member, Ward 2
SECONDER:	Heather Silverman, Council Member, Ward 1
AYES:	Manlin, Silverman, Carney, Greer, Benner, Hoffman, Martinich, Tierney

The vote on the motion being 8 ayes and 0 nays, motion carried.

APPOINTMENTS

12. Citizen of the Year

Mayor Hoffman stated the Nominating Committee met and recommended The Venable Park Task Force for 2021 Citizens of the Year.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Heather Silverman, Council Member, Ward 1
SECONDER:	Nicole Greer, Council Member, Ward 2
AYES:	Manlin, Silverman, Carney, Greer, Benner, Hoffman, Martinich, Tierney

The vote on the motion being 8 ayes and 0 nays, motion carried.

13. Nominating Committee - Provisional Judge

City Administrator Mark Perkins stated the current Provisional Judge DeAnn Outlaw is retiring after serving the city well for many years. Mr. Perkins stated she took an active role as provisional judge and there is a desire for the next provisional judge to be a regular presider of the court. Mr. Perkins stated under the city's charter a Nominating Committee is needed and will include the Mayor, City Council President and one additional council member. Recommendations for Provisional Judge most likely will be made during January.

Council Member Greer nominated Council Member Hoffman to serve on the Nominating Committee.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Nicole Greer, Council Member, Ward 2
SECONDER:	Dan Tierney, Council Member, Ward 4
AYES:	Manlin, Silverman, Carney, Greer, Benner, Hoffman, Martinich, Tierney

The vote on the motion being 8 ayes and 0 nays, motion carried.

BUSINESS FROM MAYOR AND CITY COUNCIL

Council Liaison Reports

Council Member Tierney stated Parks and Preservation Committee (PHP) recently met to discuss the number of pickle ball courts that should be created in the south tennis court of



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Conway Park. Originally, plans were to have four courts, but due to parking issues the PHP committee is recommending two courts. Also discussed were the log cabins at Conway Park and the PHP committee unanimously agreed to remove.

Council Member Tierney asked Mr. Wohlberg if there was room to expand the parking lot at Conway Park, to which Mr. Wohlberg stated yes with some modifications. However, the number of spots to be added would be limited.

Council consensus led to proceeding with the PHP's recommendation to construct with two pickle ball courts at Conway Park and further research will be done for the log cabin removal.

Council Member Carney stated the Stormwater Committee has started looking at stormwater management plan options and due to the amount of work needed they have decided to meet on a monthly basis.

Council Member Martinich stated stormwater regulations are based on hydrological and weather information from 20-30 years ago and asked if the committee should look into changing or updating regulations due to the increasing amount of rainfall. Council Member Martinich stated there may be horticultural options that could allow more absorption of water and mitigate some of the stormwater problems.

Mr. Perkins stated residential stormwater regulations and requirements have been updated within the past few years.

Mr. Wohlberg stated the consequences of having a different design standard from MSD will need to be considered.

BUSINESS FROM CITY ADMINISTRATOR

15. Parks and Recreation Sponsorship Opportunities 2022

Jason Valvero provided an overview of staff's recommendation for the 2022 Parks and Recreation Sponsorship Program.

Council Member Tierney made a motion, seconded by Council Member Greer to proceed with the recommended Parks and Recreation Sponsorship Program as submitted.

The vote on the motion being 8 ayes and 0 nays, motion carried.

RESULT:	APPROVED
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16. Facilities Task Force Update



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Mark Perkins stated the Facilities Task Force recently met to discuss alternative refrigerant options and a dehumidification system for the ice arena; the current long-range plan is to determine whether or not to stay in the ice business or begin looking at alternate uses.

Director of Public Works Jim Heines discussed the design RFQ drafted by Navigate Solutions for the Government Center Improvement Project. Mr. Heines stated the Task Force and staff felt it was important to phase the RFQ into two sections. The first section would include reviewing the initial space needs study from 2014 and bring it current to today's standard and evaluating costs for renovating compared to constructing a new building. The second section would include detailed architectural and interior design, engineering, structural improvements, and code compliance.

Council Member Tierney stated he was not aware that a new building was still being considered, to which Mr. Heines stated renovation was initially the main objective, however after further discussion the task force felt that the life cycle costs of a new building may make more sense.

Council Member Tierney stated he was under the impression that the public bond was to construct a new Police Station and renovate the Government Center, to which Mr. Perkins stated the bond issue was for the construction of a new Police Station and funding for accessibility, safety, and security upgrades to the Government Center; there was never an expectation that a complete renovation would be funded by the bond issue.

Council consensus to proceed with the RFQ as submitted.

RESULT:	ITEM DISCUSSED
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17. Recommendation to Pursue Federal Roadway Grant Funding

Matt Wohlberg presented the upcoming 2022 Federal Grant application to pursue funding for S. New Ballas.

Council consensus will allow a resolution for the application to be presented at the next council meeting.

RESULT:	ITEM DISCUSSED
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18. Use Tax Discussion

Mark Perkins provided an overview of the Use Tax and the need to pursue additional revenue sources in the near future. Mr. Perkins stated January 25, 2022 is the filing deadline for the April ballot; first reading would need to be at the first meeting in January.

Gwen Dannenmueller, resident of 381 Hibler Ct, said due to inflation and increasing food and gasoline prices, it may be difficult for residents to incur additional taxes. Ms.



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Dannenmueller stated a clear explanation of the tax and how it impacts residents is important.

Council Member Martinich stated the city encourages small businesses within its limits and without the use tax, Creve Coeur businesses are at a disadvantage. The tax gives brick and mortar local stores a fair playing field and encourages people to buy from local businesses; getting the information out now for April elections is important.

Council Member Carney stated he does not believe this tax will generate as much revenue as anticipated and stated that it is a poorly designed tax law and can be burdensome to small business.

Director of Finance Lori Obermoeller stated that the estimated amount of Use Tax revenue generated for each city is not exact as vendors no longer need to report which city they are making sales in, if that city does not collect a use tax; since Creve Coeur does not collect a use tax, most vendors do not report Creve Coeur sales to the state, so estimating revenue is very difficult. Ms. Obermoeller also clarified this is a tax on vendors selling out of state purchases; it is not an additional tax to the sales tax or a tax on a small business.

Joel Black, resident of 1047 Ferngate Lane, asked if the city runs the risk of burdening small businesses by imposing the use tax if they base themselves out of Creve Coeur, to which Council Member Silverman stated it would not matter where the business is located as it depends on where the purchaser is located.

City Attorney Carl Lumley stated, in order to consider the tax, an ordinance would need to be put on the agenda for agenda approval; this does not mean council has to approve the agenda to allow first reading.

RESULT:	ITEM DISCUSSED
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Mark Perkins congratulated Kellie Henke as 2021 Employee of the Year.

ADJOURN

19. Adjourn

The meeting adjourned at 9:16 p.m.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Nicole Greer, Council Member, Ward 2
SECONDER:	Mark Manlin, Council Member, Ward 1
AYES:	Manlin, Silverman, Carney, Greer, Benner, Hoffman, Martinich, Tierney

The vote on the motion being 8 ayes and 0 nays, motion carried.



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Submitted by:

Kellie Henke
City Clerk

Robert Hoffman
Mayor

**Objection to Bill No. 5990 - an Ordinance of the City of Creve Coeur, Missouri, Regarding Electric Bicycles and Motorized Scooters
Mon, Dec 13, 2021 4.53 PM**

Since I am unable to attend the Creve Coeur City Council meeting this evening, Mark Manlin will read a statement on my behalf.

Please see below for a copy of the statement, in case you would like to read it in advance or follow along as Mark reads it this evening.

I oppose Bill 5990 as it stands, because I strongly believe that regular bicycles should be able to responsibly share sidewalks with pedestrians.

Missouri Statute 5300.347 permits bicycles to operate on sidewalks subject to the following rules:

1. No person shall ride a bicycle upon a sidewalk within a business district;
2. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right- of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian; and
3. No person shall ride a motorized bicycle upon a sidewalk.

The Missouri statute is reasonable and permits regular bicycles to share sidewalks with pedestrians on non-business district sidewalks.

According to Mary Hummell, School Secretary and Registrar of Spoede Elementary School, students regularly ride their bikes, to and from school, on the sidewalks of Spoede Road. it's simply not safe for elementary students to ride their bicycles to/from school on the street of Spoede Road.

I have been riding a regular bike outdoors for many years, for most days of the week, throughout the year, for about an hour each day. My goals are to have a good aerobic workout, stay safe from motorized traffic, and stay close to home.

I regularly ride on the north side sidewalk of Ladue Road from Country Fair to Temple Israel. Ladue Road often has very heavy traffic, and I don't feel safe off the sidewalk. I continue riding North on Spoede Road, and then up and down most of the hilly side streets off Spoede Road. It's not unusual for cars and trucks to drive at high speed and very close to my bike on Spoede Road. When traffic becomes heavy, I don't feel safe on the road and move over to ride on the sidewalk.

When encountering pedestrians or other bikers on the sidewalk, I dismount my bike and yield to them. I have never had a problem while biking on sidewalks. Any encounters with others have always been courteous and neighborly.

I won't be able to attend the Council Meeting this evening because I'm currently in Minneapolis. Minneapolis is an extremely bike-friendly city, with numerous bike lanes and an extraordinary network of amazing bike trails. And Minneapolis allows regular bikes on sidewalks (except in business districts).

Thank you for this opportunity to provide my input on Bill No. 5990.
Respectfully,

Stanley Estrin
42 Country Fair Lane
Creve Coeur

**proposed bicycle ordinance
Sun, Dec 12, 2021 7:24 PM**

Ms. Greer; Mr. Carney & Mayor Hoffman –

As a resident of Ward 2 in Creve Coeur, I would like to express my opinions and concerns about the proposed bicycle ordinance which is being considered at the City Council meeting on 12/13. I am a bicycle enthusiast and strong supporter of bicycle-friendly transportation facilities. While I understand that the operation of bicycles on sidewalks is generally discouraged, I am concerned that Creve Coeur currently has many roadways that are unsuitable and unsafe for bicycle use. Creve Coeur should aspire to be a city with well-connected and safe bicycle facilities, but as of now, we are not. I am particularly concerned about the impact this ordinance could have on our youngest and least experienced bicyclists. Safe bicycling routes to our schools should be especially important, but I don't believe that any of our largest schools currently are connected to their students by bicycle paths. I hope that until safe bicycle lanes and paths are designed in Creve Coeur, we will still allow certain bicycle traffic on sidewalks. Perhaps this requires signage and enforcement of a strict speed limit for bicyclists on sidewalks?

My work schedule may not allow me to communicate my opinions to the council at the Monday meeting, so, I hope that you will consider my thoughts as you make your decisions.

Thank you

Michael Smock
11201 Mosley Hill Dr
Creve Coeur, MO

**No parking on Mariners Point
Dec 13, 2021 at 5:27 PM**

Dear Mayor and Councilmembers,
I am unable to attend the meeting regarding the no parking on both sides of the street. As the Police have determined- this is a dangerous corner.

With the cars parked on various sides of the street, you are often in the middle of the road. This is an issue if there is oncoming traffic. It is a dangerous corner that needs to be made safer. I agree with The Creve Coeur Police study on the dangers of this corner, and I AM IN FAVOR OF NO PARKING ON BOTH SIDES OF THE CURVE!!!
IT IS VERY DANGEROUS!

Sincerely,
Marye Thomlison
12884 Castleton Ct



MEMORANDUM

DATE: January 5, 2022

TO: Mark Perkins, City Administrator

FROM: Lori Obermoeller, Director of Finance

SUBJECT: Invoices Paid Listing

For your information and transmittal to the City Council, attached is a list of paid invoices from December 9, 2021 through January 5, 2022 in the amount of \$487,876.88.



Creve Coeur, MO

Council Report of Invoices Paid Listing

By Fund

Payment Dates 12/9/2021 - 1/5/2022

Vendor Name	Purchase Order Number	Payable Number	Payable Date	Description (Item)	Account Number	Payment Number	Amount
Fund: 01 - GENERAL FUND							
POINT EMBLEMS	PO00600	12414	12/08/2024	(300) CHIEF'S CHALLENGE COINS	01-2712	63476	1,965.00
POINT EMBLEMS		12415	12/08/2021	200 DEPT BRASS HARD ENAMEL 3D CHALLENGE COINS	01-2712	63476	1,320.00
CATHOLIC CHARITIES FOUNDATION		85161	10/19/2021	LANGUAGE INTERPRETER CASE #21-1749	01-2410	63451	45.00
CE BOLLMEIER COMPANY IN		BP42798 DEC 9 CANCELED	12/09/2021	REFUND OF EXCAVATION PERMIT	01-4420	63452	500.00
MISSOURI DEPARTMENT OF REVENUE		CVC DEC 21	12/14/2021	CRIMES VICTIMS COMPENSATION FUND DEC 2021 & MISC	01-2413	63470	97.50
MISSOURI DEPARTMENT OF REVENUE		CVC DEC 21	12/14/2021	CRIMES VICTIMS COMPENSATION FUND DEC 2021 & MISC	01-4604	63470	-4.81
MISSOURI DEPARTMENT OF REVENUE		POST DEC 21	12/14/2021	POST COMMISSION FUND DEC 21	01-2412	63471	14.00
AMERICAN UNITED LIFE INSURANCE COMPANY		619325 DEC 21	12/01/2021	VOL AD&D DEC 21	01-2216	63488	87.60
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	VOL LIFE DEC 21	01-2216	63489	992.80
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	VOL AD & D DEC 21	01-2216	63489	36.43
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	SHORT TERM DIS DEC 21	01-2222	63489	327.22
WASHINGTON NATIONAL INS CO		P2179097	12/01/2021	CANCER/INTENSIVE CARE DEC 21	01-2215	63511	369.30
SAMS CLUB		9805975742	11/29/2021	CASH REWARDS FROM SAMS CREDIT	01-4729	63526	-73.94
UNUM LIFE INSURANCE COMPANY OF AMERICA		0093442-001 JAN 22	12/20/2021	LONG TERM CARE JAN 22	01-2219	63561	170.30
ST LOUIS AREA HEALTH INSURANCE TRUST-MEDICAL		0122	12/20/2021	GROUP HEALTH JAN 22	01-2211	63558	91,171.20
							97,017.60
							97,017.60
Department: 11 - LEGISLATIVE SERVICES							
Division: 12 - MAYOR AND CITY COUNCIL							
SLMD, INC.		227859	12/13/2021	CITIZEN OF THE YEAR PLAQU	01-11-12-7306	63482	32.50

Council Report of Invoices Paid Listing

Payment Dates: 12/9/2021 - 1/5/2022

Vendor Name	Purchase Order Number	Payable Number	Payable Date	Description (Item)	Account Number	Payment Number	Amount
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	LIFE DEC 21	01-11-12-5234	63489	37.80
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Council Dinner	01-11-12-6264	DFT0004211	296.37
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Council Dinner	01-11-12-6264	DFT0004211	144.41
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Council Dinner	01-11-12-6264	DFT0004211	49.90
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Agenda Review	01-11-12-6264	DFT0004211	12.07
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Agenda Review	01-11-12-6264	DFT0004211	14.58
SAMS CLUB		064308182002	11/08/2021	FOOD FOR COUNCIL MEETIN	01-11-12-6264	63526	13.98
MISSOURI VOCATIONAL ENTERPRISES		636479RI	11/22/2021	NAMEPLATES AND NAME BADGES CHIEF AND CITY CLERK	01-11-12-7306	63523	19.90
CHAMBER OF COMMERCE CREVE COEUR OLIVETTE		E5450	12/28/2021	MEMBERSHIP LUNCHEON ON 1/20/22 ROBERT HOFFM	01-11-12-6264	63513	26.00
MISSOURI MUNICIPAL LEAGUE		10510518	12/29/2021	MML ANNUAL MEMBERSHIP DUES 2022	01-11-12-6262	63549	2,283.40
Division 12 - MAYOR AND CITY COUNCIL Total:							2,930.91
Division: 13 - CITY CLERK							
VERIZON WIRELESS SERVICES LLC		9894363886	12/04/2021	TABLETS AND AIRCARDS LEGISLATIVE 12/05/21- 1/04/22	01-11-13-6253	63486	40.01
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	LIFE DEC 21	01-11-13-5234	63489	21.31
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	AD & D DEC 21	01-11-13-5235	63489	2.28
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	LTD DEC 21	01-11-13-5236	63489	17.75
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	DocuSign Membership	01-11-13-6202	DFT0004211	240.00
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	MoSOS Notary Dues - City Clerk	01-11-13-6262	DFT0004211	26.25
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Notary Bond and Supplies	01-11-13-7304	DFT0004211	51.90
GRANICUS LLC		147389	01/01/2022	AGENDA AND MINUTES JAN 22	01-11-13-6213	63541	578.20
GRANICUS LLC		147389	01/01/2022	CIVIC STREAMING JAN 22	01-11-13-6213	63541	367.50
Division 13 - CITY CLERK Total:							1,345.20
Department 11 - LEGISLATIVE SERVICES Total:							4,276.11

Council Report of Invoices Paid Listing

Payment Dates: 12/9/2021 - 1/5/2022

Vendor Name	Purchase Order Number	Payable Number	Payable Date	Description (Item)	Account Number	Payment Number	Amount
Department: 12 - ADMINISTRATION Division: 11 - ADMINISTRATIVE							
CITYTECH USA INC		3932	12/01/2021	ANNUAL PUBLIC SALARY MEMBERSHIP	01-12-11-6262	63455	390.00
DONALD DANFORTH PLANT SCIENCE CENTER	PO00486	2022	12/21/2021	39 North Joint Marketing Fund Pymnt #3 (2022)	01-12-11-6203	63501	5,000.00
SWIFT PRINT COMMUNICATIONS	PO00201-R2	2129	12/13/2021	Residential Newsletter Printing FY22 DEC 21	01-12-11-6203	63509	1,779.53
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	LIFE DEC 21	01-12-11-5234	63489	90.80
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	AD & D DEC 21	01-12-11-5235	63489	9.74
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	LTD DEC 21	01-12-11-5236	63489	74.49
PAYLOCITY CORPORATION		INV1057679	12/20/2021	COBRA ELIGIBILITY NOTIFICATIONS	01-12-11-6203	63504	34.00
PAYLOCITY CORPORATION		INV1057679	12/20/2021	COBRA ACTIVE PARTICIPANT	01-12-11-6203	63504	26.00
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Pre-Employment Background Checks	01-12-11-6202	DFT0004211	15.25
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Pre-Employment Background Checks	01-12-11-6202	DFT0004211	29.25
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Pre-Employment Background Checks	01-12-11-6202	DFT0004211	15.25
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit Fraud Charges	01-12-11-6203	DFT0004211	-7.56
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit Fraud Charges	01-12-11-6203	DFT0004211	-7.56
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit for Fraud Charge	01-12-11-6203	DFT0004211	-7.55
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit for Fraud Charge	01-12-11-6203	DFT0004211	-7.55
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit for Fraud Charge	01-12-11-6203	DFT0004211	-7.38
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit for Fraud Charge	01-12-11-6203	DFT0004211	-7.39
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit Fraud Charges	01-12-11-6203	DFT0004211	-7.53
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit Fraud Charges	01-12-11-6203	DFT0004211	-7.53
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit for Fraud Charge	01-12-11-6203	DFT0004211	-7.43
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit Fraud Charges	01-12-11-6203	DFT0004211	-7.54
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit for Fraud Charge	01-12-11-6203	DFT0004211	-7.39

Council Report of Invoices Paid Listing

Payment Dates: 12/9/2021 - 1/5/2022

Vendor Name	Purchase Order Number	Payable Number	Payable Date	Description (Item)	Account Number	Payment Number	Amount
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit for Fraud	01-12-11-6203	DFT0004211	-7.33
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit Fraud Charges	01-12-11-6203	DFT0004211	-7.56
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit for Fraud	01-12-11-6203	DFT0004211	-7.30
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit for Fraud Charge	01-12-11-6203	DFT0004211	-7.34
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit for Fraud Charge	01-12-11-6203	DFT0004211	-7.34
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit for Fraud Charge	01-12-11-6203	DFT0004211	-7.34
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit Fraud Charges	01-12-11-6203	DFT0004211	-7.56
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit Fraud Charges	01-12-11-6203	DFT0004211	-7.56
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit Fraud Charges	01-12-11-6203	DFT0004211	-7.56
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit Fraud Charges	01-12-11-6203	DFT0004211	-7.56
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Dow Jones subscription	01-12-11-6203	DFT0004211	6.00
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit for Fraud Charge	01-12-11-6203	DFT0004211	-7.34
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit for Fraud	01-12-11-6203	DFT0004211	-7.33
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit Fraud Charges	01-12-11-6203	DFT0004211	-7.56
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit Fraud Charges	01-12-11-6203	DFT0004211	-7.56
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit for Fraud Charge	01-12-11-6203	DFT0004211	-7.34
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit for Fraud Charge	01-12-11-6203	DFT0004211	-7.38
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit for Fraud Charge	01-12-11-6203	DFT0004211	-7.44
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit for Fraud Charge	01-12-11-6203	DFT0004211	-7.44
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit for Fraud Charge	01-12-11-6203	DFT0004211	-7.44
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit for Fraud Charge	01-12-11-6203	DFT0004211	-7.44
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit for Fraud Charge	01-12-11-6203	DFT0004211	-7.49
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit for Fraud Charge	01-12-11-6203	DFT0004211	-7.43

Council Report of Invoices Paid Listing

Payment Dates: 12/9/2021 - 1/5/2022

Vendor Name	Purchase Order Number	Payable Number	Payable Date	Description (Item)	Account Number	Payment Number	Amount
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit for Fraud Charge	01-12-11-6203	DFT0004211	-7.43
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit for Fraud Charge	01-12-11-6203	DFT0004211	-7.43
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit for Fraud Charge	01-12-11-6203	DFT0004211	-7.51
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit for Fraud Charge	01-12-11-6203	DFT0004211	-7.44
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit for Fraud Charge	01-12-11-6203	DFT0004211	-7.51
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit for Fraud Charge	01-12-11-6203	DFT0004211	-7.44
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit for Fraud Charge	01-12-11-6203	DFT0004211	-7.44
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit for Fraud Charge	01-12-11-6203	DFT0004211	-7.44
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit for Fraud Charge	01-12-11-6203	DFT0004211	-7.52
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit for Fraud Charge	01-12-11-6203	DFT0004211	-7.52
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit for Fraud Charge	01-12-11-6203	DFT0004211	-7.52
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit Fraud Charges	01-12-11-6203	DFT0004211	-7.51
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit Fraud Charges	01-12-11-6203	DFT0004211	-7.51
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit for Fraud Charge	01-12-11-6203	DFT0004211	-7.51
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit Fraud Charges	01-12-11-6203	DFT0004211	-7.53
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit Fraud Charges	01-12-11-6203	DFT0004211	-7.54
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit Fraud Charges	01-12-11-6203	DFT0004211	-7.54
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit for Fraud Charge	01-12-11-6203	DFT0004211	-7.51
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit for Fraud Charge	01-12-11-6203	DFT0004211	-7.52
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit for Fraud Charge	01-12-11-6203	DFT0004211	-7.52
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit for Fraud Charge	01-12-11-6203	DFT0004211	-7.34
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit for Fraud Charge	01-12-11-6203	DFT0004211	-7.34
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit for Fraud Charge	01-12-11-6203	DFT0004211	-7.34

Council Report of Invoices Paid Listing

Payment Dates: 12/9/2021 - 1/5/2022

Vendor Name	Purchase Order Number	Payable Number	Payable Date	Description (Item)	Account Number	Payment Number	Amount
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit for Fraud Charge	01-12-11-6203	DFT0004211	-7.51
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Credit Fraud Charges	01-12-11-6203	DFT0004211	-7.53
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Adobe Creative Cloud Annual Subscription	01-12-11-6262	DFT0004211	599.88
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Business E-Newsletter subscription	01-12-11-6262	DFT0004211	70.00
PREFERRED RESOURCE NETWORK, INC.		9894	12/23/2021	EMPLOYEE ASISTANCE PROGRAM 3RD QTR 1/1- 3/31/22	01-12-11-6203	63524	780.00
RICHARD DECOLLO	PO00575	5659	01/04/2022	Residential Newsletter Handling JAN 22	01-12-11-6203	63553	278.43
Division 11 - ADMINISTRATIVE Total:							8,765.62
Division: 14 - MUNICIPAL COURT							
AMERICAN STAMP AND MARKING PRODUCTS INC		1721791	12/08/2021	COURT STAMPS-SCANNED DOCS	01-12-14-7304	63446	81.30
MARY DEAN OUTLAW		JUDGE 12/6/21	12/06/2021	PROV JUDGE 11/18/21	01-12-14-6201	63465	300.00
MARY DEAN OUTLAW		JUDGE 12/6/21	12/06/2021	PROV JUDGE 12/01/21	01-12-14-6201	63465	300.00
MARY DEAN OUTLAW		JUDGE 12/6/21	12/06/2021	PROV JUDGE 12/02/21	01-12-14-6201	63465	300.00
MARY DEAN OUTLAW		JUDGE 12/6/21	12/06/2021	PROV JUDGE 11/17/21	01-12-14-6201	63465	300.00
RICOH USA, INC		105646074	11/29/2021	COURT COPIER LEASE 11/18- 12/17/21	01-12-14-6213	63507	324.70
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	LIFE DEC 21	01-12-14-5234	63489	38.34
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	AD & D DEC 21	01-12-14-5235	63489	4.11
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	LTD DEC 21	01-12-14-5236	63489	31.95
ENGELMEYER & PEZZANI LLC	PO00415-R1	JUDGE NOV 21	12/21/2021	JUDICIAL SERVICES NOV 21	01-12-14-6201	63502	1,666.00
ENGELMEYER & PEZZANI LLC	PO00415-R1	JUDGE OCT 21	12/21/2021	JUDICIAL SERVICES OCT 21	01-12-14-6201	63502	1,666.00
Division 14 - MUNICIPAL COURT Total:							5,012.40
Department 12 - ADMINISTRATION Total:							13,778.02
Department: 13 - FINANCE							
Division: 11 - ADMINISTRATIVE							
SCHOWALTER & JABOURI PC		206959	12/06/2021	ADDITIONAL INV DUE TO WORK BEYOND ORIGINAL SCOPE	01-13-11-6209	63479	4,300.00
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	LIFE DEC 21	01-13-11-5234	63489	75.42
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	AD & D DEC 21	01-13-11-5235	63489	8.09

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Vendor Name	Purchase Order Number	Payable Number	Payable Date	Description (Item)	Account Number	Payment Number	Amount
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	LTD DEC 21	01-13-11-5236	63489	52.45
Division 11 - ADMINISTRATIVE Total:							4,435.96
Division: 15 - INTERDEPARTMENTAL							
CHARTER COMMUNICATION		0353198120121	12/16/2021	350 N NEW BALLAS RD PRI FIBER 12/1-12/31/21	01-13-15-6253	63453	1,651.10
CHARTER COMMUNICATION		0403845120821	12/08/2021	300 N NEW BALLAS RD CITY TV WIFI 12/8/21-1/7/22	01-13-15-6253	63454	186.64
STRAIGHTUP SOLAR LLC		14924	10/08/2021	DRC REPLACE DATALOGGER 8/10/21 LIGHTNING STRIKE	01-13-15-6220	63483	710.46
AZAVAR AUDIT SOLUTIONS		155065	12/07/2021	SALES TAX SAVINGS FROM SPECTRUM PD FIBER 3198	01-13-15-6253	63448	16.84
AZAVAR AUDIT SOLUTIONS		155065	12/07/2021	SALES TAX SAVINGS FROM SPECTRUM GARAGE 5116	01-13-15-6255	63448	14.46
DEKA SERVICE		21481945-2	09/10/2021	DRC AAO UNIT CIRCUIT BOARD FIX 8/10/21 LIGHTNING	01-13-15-6220	63458	1,248.10
CHARTER COMMUNICATION		0215116121621	12/16/2021	996 E RUE DE LA BANQUE PW GARAGE 12/16/21-1/15/	01-13-15-6255	63499	398.66
CHARTER COMMUNICATION		0215132121621	12/16/2021	ANALOG LINES AND CONNECT PW GARAGE 12/16/21-1/15/22	01-13-15-6253	63498	671.61
AT&T		31498327050760 12/7/21	12/07/2021	MONITOR LINE ICE ARENA 12/7/21-1/6/22	01-13-15-6253	63495	88.07
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	REFUND CREDIT CARD FEE	01-13-15-6202	DFT0004211	-1.25
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	REFUND CREDIT CARD FEE	01-13-15-6202	DFT0004211	-1.25
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Employee Wellness Thanksgiving Lunch	01-13-15-6272	DFT0004211	784.71
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Employee Wellness Halloween Lunch	01-13-15-6272	DFT0004211	55.90
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	ENERGIZER BATTERIES	01-13-15-7312	DFT0004211	19.99
H&H HEALTH ASSOCIATES IN		16645	11/11/2021	EMPLOYEE FLU SHOTS	01-13-15-6272	63517	150.00
SAMS CLUB		778708251003	12/03/2021	EMPLOYEE RECOGNITION LUNCH GIFT CARDS	01-13-15-6272	63526	1,270.30
SAMS CLUB		822008182004	11/23/2021	GIFT CARDS FOR EMPLOYEE APPRECIATION LUNCHEON	01-13-15-6272	63526	650.42
QUADIENT FINANCE USA INC		INV16545650	12/15/2021	INK FOR POSTAGE MACHINE	01-13-15-7304	63525	139.73
ST LOUIS AREA HEALTH INSURANCE TRUST-MEDICAL		0122	12/20/2021	GROUP HEALTH JAN 22	01-13-15-5230	63558	12,074.62
ST LOUIS AREA HEALTH INSURANCE TRUST-MEDICAL		0122	12/20/2021	GROUP HEALTH JAN 22	01-13-15-5230	63558	-200.00
AZAVAR AUDIT SOLUTIONS		155175	12/30/2021	SALES TAX SAVINGS FROM SPECTRUM PD FIBER 3198	01-13-15-6253	63535	16.84

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Vendor Name	Purchase Order Number	Payable Number	Payable Date	Description (Item)	Account Number	Payment Number	Amount
AZAVAR AUDIT SOLUTIONS		155175	12/30/2021	SALES TAX SAVINGS FROM SPECTRUM GARAGE 5116	01-13-15-6255	63535	14.46
Division 15 - INTERDEPARTMENTAL Total:							19,960.41
Division: 51 - MIS OPERATIONS							
CHARTER COMMUNICATION		0403845120821	12/08/2021	300 N NEW BALLAS RD CITY TV WIFI 12/8/21-1/7/22	01-13-51-6213	63454	87.98
CYBERNETICS		811545	12/14/2021	ISAN 1216 SERVER ANNUAL MAINTENANCE	01-13-51-7331	63500	1,269.00
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	LIFE DEC 21	01-13-51-5234	63489	20.86
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	AD & D DEC 21	01-13-51-5235	63489	2.24
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	LTD DEC 21	01-13-51-5236	63489	17.39
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	samsung SSDs 25ft hdmi cable	01-13-51-6213	DFT0004211	153.97
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Paxton Net2 keyfobs	01-13-51-6213	DFT0004211	37.05
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	LG external dvd writer	01-13-51-6213	DFT0004211	45.00
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Copystars dvd duplicator	01-13-51-6213	DFT0004211	225.00
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	varidesk dual monitor arms (LO)	01-13-51-6213	DFT0004211	250.00
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	paxton net2 ID cards	01-13-51-6213	DFT0004211	63.98
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	mobile tv cart/stand (court)	01-13-51-6213	DFT0004211	84.98
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Zoom Meeting for City	01-13-51-7332	DFT0004211	14.99
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Zoom	01-13-51-7332	DFT0004211	129.94
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Adobe Std 2020 - BW	01-13-51-7332	DFT0004211	299.00
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Publisher 2019 - JH	01-13-51-7332	DFT0004211	159.99
DELL MARKETING LP	PO00606	10546621841	12/22/2021	Dell SC2020 support 1-yr END DATE 1/22/23	01-13-51-7331	63514	4,531.00
WINNING TECHNOLOGIES, INC.	PO00518	24916	01/01/2022	IT Management Consultants JAN 22	01-13-51-6202	63565	4,380.00
Division 51 - MIS OPERATIONS Total:							11,772.37
Department 13 - FINANCE Total:							36,168.74

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Vendor Name	Purchase Order Number	Payable Number	Payable Date	Description (Item)	Account Number	Payment Number	Amount
Department: 14 - COMMUNITY SERVICES							
Division: 11 - ADMINISTRATIVE							
MYRLYNN HENLEY		104	12/09/2021	TAI CHI AND STRETCH & TONE INSTUCTION	01-14-11-6202	63474	588.00
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	LIFE DEC 21	01-14-11-5234	63489	17.82
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	AD & D DEC 21	01-14-11-5235	63489	1.91
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	LTD DEC 21	01-14-11-5236	63489	4.41
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Shipping Cost for Proclamation	01-14-11-6221	DFT0004211	102.00
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	PHP Brainstorming Session	01-14-11-7304	DFT0004211	210.95
RICOH USA, INC		105712732	12/17/2021	DRC METER READS 12/12/21 - 01/11/2022	01-14-11-6213	63554	43.66
Division 11 - ADMINISTRATIVE Total:							968.75
Department 14 - COMMUNITY SERVICES Total:							968.75
Department: 16 - MUNICIPAL FACILITIES MAINTENANCE							
Division: 11 - ADMINISTRATIVE							
AMERENUE		55031-62002 12/1/21	12/01/2021	ELECTRIC CITY HALL OCT-NOV 21	01-16-11-6250	DFT0004219	3,620.14
LEAK STOPPERS ROOFING LL PO00566		000291	12/13/2021	CITY HALL ROOF REPAIR	01-16-11-6212	63464	2,950.00
WALTER KNOLL FLORIST		58475	12/06/2021	PLANT MAINTENANCE JAN 2	01-16-11-6212	63510	80.00
ARAMARK UNIFORM SERVICES		617000012966	12/14/2021	UNIFORM CLEANING-BUILDING MAINTENANCE	01-16-11-7308	63494	11.52
ARAMARK UNIFORM SERVICES		617000015697	12/21/2021	UNIFORM CLEANING-BUILDING MAINTENANCE	01-16-11-7308	63494	11.52
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	LIFE DEC 21	01-16-11-5234	63489	16.43
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	AD & D DEC 21	01-16-11-5235	63489	1.76
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	LTD DEC 21	01-16-11-5236	63489	13.69
SPIRE		5003001000 12/14/21	12/14/2021	300 N NEW BALLAS CITY HALL 11/11-12/13/21	01-16-11-6252	DFT0004222	728.50
SAMS CLUB		9804407107	11/23/2021	LOUNGE SUPPLIES FOR CITY HALL	01-16-11-7304	63526	35.16
SAMS CLUB		9805971266	11/29/2021	LOUNGE SUPPLIES FOR CITY HALL	01-16-11-7304	63526	37.92
SAMS CLUB		9805975742	11/29/2021	LOUNGE SUPPLIES CITY HALL	01-16-11-7304	63526	31.80
ARAMARK UNIFORM SERVICES		617000018247	12/28/2021	UNIFORM CLEANING-BUILDING MAINTENANCE	01-16-11-7308	63534	11.52

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Vendor Name	Purchase Order Number	Payable Number	Payable Date	Description (Item)	Account Number	Payment Number	Amount
WIEGMANN ASSOCIATES	PO00608	70758	12/20/2021	CITY HALL HVAC REPAIR	01-16-11-6211	63564	5,459.19
Division 11 - ADMINISTRATIVE Total:							13,009.15
Department 16 - MUNICIPAL FACILITIES MAINTENANCE Total:							13,009.15
Department: 21 - POLICE							
Division: 11 - ADMINISTRATIVE							
VERIZON WIRELESS SERVICES LLC		9894363886	12/04/2021	TABLETS AND AIRCARDS PD ADMIN 12/05/21-1/04/22	01-21-11-6253	63486	360.09
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	LIFE DEC 21	01-21-11-5234	63489	133.77
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	AD & D DEC 21	01-21-11-5235	63489	14.33
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	LTD DEC 21	01-21-11-5236	63489	111.48
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	FBI-LEEDA MEMBERSHIP-J HARTMAN	01-21-11-6262	DFT0004211	50.00
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	ICE SCRAPER FOR CHIEF'S VEHICLE	01-21-11-7302	DFT0004211	8.99
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	FRAME FOR PATCH AND PD SIGNATURE-D PATCHIN	01-21-11-7302	DFT0004211	9.46
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	CHRISTMAS RIBBON & STORAGE BOX	01-21-11-7302	DFT0004211	50.51
FLORISSANT PSYCHOLOGICAL SERVICES I		RECKAM	12/01/2021	PRE EMPLOYMENT SCREENING-RECRUIT APPLICANT	01-21-11-6203	63515	300.00
FBI-NAA		01/20/22	12/28/2021	(2) FBI NAA REGULAR BUSINESS DINNER	01-21-11-6264	63540	32.00
Division 11 - ADMINISTRATIVE Total:							1,070.63
Division: 21 - INVESTIGATION							
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	LIFE DEC 21	01-21-21-5234	63489	102.39
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	AD & D DEC 21	01-21-21-5235	63489	10.98
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	LTD DEC 21	01-21-21-5236	63489	85.32
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	DVDS AND SLEEVES	01-21-21-7304	DFT0004211	60.24
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	18 AR STONER MODULAR SINGLE POINT BUNGEE	01-21-21-7313	DFT0004211	283.82
Division 21 - INVESTIGATION Total:							542.75
Division: 22 - PATROL							
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	LIFE DEC 21	01-21-22-5234	63489	807.85
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	AD & D DEC 21	01-21-22-5235	63489	86.52

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Payment Dates: 12/9/2021 - 1/5/2022

Vendor Name	Purchase Order Number	Payable Number	Payable Date	Description (Item)	Account Number	Payment Number	Amount
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	LTD DEC 21	01-21-22-5236	63489	565.62
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	24 CAR WASH TICKETS	01-21-22-6210	DFT0004211	359.76
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	CHARGES TO SHIP EVIDENCE	01-21-22-6211	DFT0004211	7.57
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	CHARGES TO SHIP EVIDENCE	01-21-22-6211	DFT0004211	72.83
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	SHIP LETTER TO FBI	01-21-22-6211	DFT0004211	29.85
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	SHIP PACKAGES TO CALEA ASSESSORS	01-21-22-6211	DFT0004211	19.10
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	SENT CAR 13 RADAR ANTENNA FOR REPAIRS	01-21-22-6211	DFT0004211	12.75
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	ADDITIONAL CHARGES TO SHIP EVIDENCE	01-21-22-6211	DFT0004211	2.67
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	ORCA TACTICAL MOLLE EMT POUCHES	01-21-22-6271	DFT0004211	254.85
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	FOOD FOR FRIZBE K9	01-21-22-7304	DFT0004211	54.99
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	4 DJI PHANTOM 4 SERIES BATTERY	01-21-22-9503	DFT0004211	740.00
VALVOLINE LLC		178031	12/13/2021	OIL CHANGE AND TIRE ROTATION FOR CAR 2402	01-21-22-6210	63531	48.97
VALVOLINE LLC		182547	12/13/2021	OIL CHANGE,AIR FILTER, REAR WIPER FOR CAR 2405	01-21-22-6210	63531	81.46
STARGATE KENNEL INC		28331	11/28/2021	K9 KENNELING- BOARDING,EXERCISE,FEED	01-21-22-6203	63528	133.00
SUNTRUP FORD INC		317540	11/01/2021	OIL CHANGE, MULTI POINT INSPECTION ON CAR 2409	01-21-22-6210	63529	60.37
VALVOLINE LLC		183013	12/22/2021	OIL CHANGE FOR CAR 2427	01-21-22-6210	63563	38.98
VALVOLINE LLC		183020	12/22/2021	OIL CHANGE FOR CAR 2411	01-21-22-6210	63563	38.98
VALVOLINE LLC		183029	12/22/2021	OIL CHANGE FOR CAR 2422	01-21-22-6210	63563	38.98
UTILITY ASSOCIATES INC		37196	12/20/2021	BODYWORN POLO MOUNT ASSEMBLY	01-21-22-7308	63562	43.00
DAVE SINCLAIR FORD INC		880357	12/23/2021	REPAIRS, SPARK PLUGS REPLACED ON CAR 2406	01-21-22-6210	63538	466.75

Division 22 - PATROL Total: 3,964.85

Department 21 - POLICE Total: 5,578.23

Department: 31 - PUBLIC WORKS

Division: 11 - ADMINISTRATIVE

AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	LIFE DEC 21	01-31-11-5234	63489	76.26
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	AD & D DEC 21	01-31-11-5235	63489	8.17

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Vendor Name	Purchase Order Number	Payable Number	Payable Date	Description (Item)	Account Number	Payment Number	Amount
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	LTD DEC 21	01-31-11-5236	63489	62.38
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	CELL PHONE CASE FOR JIM HEINS	01-31-11-7304	DFT0004211	28.98
DREXEL TECHNOLOGIES INC		INV67390	12/23/2021	COPIER LEASE/MAINTENANCE 12/1-	01-31-11-6213	63539	85.58
						Division 11 - ADMINISTRATIVE Total:	261.37
Division: 41 - STREET MAINTENANCE							
AMERENUE		55031-62002 12/1/21	12/01/2021	ELECTRIC STREET DEPT OCT- NOV 21	01-31-41-6250	DFT0004219	1,016.44
AMERENUE		55031-62002 12/1/21	12/01/2021	ELECTRIC STREET LIGHTING OCT-NOV 21	01-31-41-6251	DFT0004219	9,760.31
HYSPECO, INC.		00059532	12/01/2021	FITTING FOR HYDRO CYLINDER	01-31-41-6211	63461	11.10
HUMAN RESOURCE STAFFIN		1001067254	12/09/2021	TEMP SERVICES WK ENDING 12/5/21	01-31-41-6207	63460	1,358.11
MISSOURI AMERICAN WATER CO		1017-210041137908 11/30/	11/30/2021	12136 OLIVE BLVD IRRIG 8/25/21-11/19/21	01-31-41-6254	63467	2,383.93
MISSOURI AMERICAN WATER CO		1017-210041137908 11/30/	11/30/2021	309 S NEW BALLAS RD IRRIG 8/27/21-11/22/21	01-31-41-6254	63467	239.23
MISSOURI AMERICAN WATER CO		1017-210041137908 11/30/	11/30/2021	12015 OLIVE BLVD IRRIG 8/27/21-11/22/21	01-31-41-6254	63467	5,319.40
MISSOURI AMERICAN WATER CO		1017-210041137908 11/30/	11/30/2021	145 S NEW BALLAS RD IRRIG 8/27/21-11/22/21	01-31-41-6254	63467	183.89
MISSOURI AMERICAN WATER CO		1017-210041137908 11/30/	11/30/2021	1000 BARNES WEST DR FRFLW 8/25/21-11/19/21	01-31-41-6254	63467	2,937.50
MISSOURI AMERICAN WATER CO		1017-210041137908 11/30/	11/30/2021	12536 OLIVE BLVD IRRIG 8/2721-11/22/21	01-31-41-6254	63467	130.74
MISSOURI AMERICAN WATER CO		1017-210041137908 11/30/	11/30/2021	201 N NEW BALLAS RD IRRIG 8/27/21-11/22/21	01-31-41-6254	63467	108.69
MISSOURI AMERICAN WATER CO		1017-210041137908 11/30/	11/30/2021	241 S NEW BALLAS RD IRRIG 8/27-11/22/21	01-31-41-6254	63467	53.99
MISSOURI AMERICAN WATER CO		1017-210041137908 11/30/	11/30/2021	11702 OLIVE BLVD IRRIG 8/26/21-11/22/21	01-31-41-6254	63467	280.58
MISSOURI AMERICAN WATER CO		1017-210041137908 11/30/	11/30/2021	12301 CONWAY RD IRRIG 8/25/21-11/19/21	01-31-41-6254	63467	256.38
MISSOURI AMERICAN WATER CO		1017-210041137908 11/30/	11/30/2021	996 E RUE DE LA BANQU 8/27/21-11/22/21	01-31-41-6254	63467	266.48
ABSTENENCIA GENTRY		1261-2000012221	12/06/2021	TEMP SERVICES WE 12/5/21	01-31-41-6207	63444	1,149.06
VALTEC HYDRAULICS		239901	12/08/2021	LEAF VAC PARTS	01-31-41-6211	63485	487.27
RUSH TRUCK CENTER		3025899813	12/10/2021	320 PARTS	01-31-41-6210	63478	341.34
POMP'S TIRE SERVICE, INC.		1170072214	12/21/2021	LOADER TIRE	01-31-41-6211	63505	320.96
CERTIFIED POWER INC		15485527	12/16/2021	REPAIR PISTON PUMP 320 PTO	01-31-41-6210	63497	862.50
CERTIFIED POWER INC		15485558	12/17/2021	320 PTO SHORT	01-31-41-6210	63497	222.26
CEE KAY SUPPLY INC		1637646	11/30/2021	TANK RENTAL NOV 21	01-31-41-7307	63496	59.92

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Vendor Name	Purchase Order Number	Payable Number	Payable Date	Description (Item)	Account Number	Payment Number	Amount
RUSH TRUCK CENTER		3026026130	12/22/2021	MIRROR SWITCH	01-31-41-6210	63508	150.00
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	LIFE DEC 21	01-31-41-5234	63489	107.57
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	AD & D DEC 21	01-31-41-5235	63489	11.51
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	LTD DEC 21	01-31-41-5236	63489	72.56
SPIRE		7725111000 12/17/21	12/17/2021	996 RUE DE LA BANQUE 11/17-12/16/21	01-31-41-6252	DFT0004276	606.65
SPIRE		9717450000 12/14/21	12/14/2021	1030 N LINDBERGH LEAF SITE 11/11-12/13/21	01-31-41-6254	DFT0004221	27.12
HYSPECO, INC.		00496666	12/27/2021	AIR FITTING FOR 318 32PTC- 4 UNION	01-31-41-6211	63546	18.81
MIDWESTERN SAFETY EQUIPMENT COMPANY, INC		017133	12/15/2021	SAFETY MISC	01-31-41-7308	63547	103.88
MIDWESTERN SAFETY EQUIPMENT COMPANY, INC		019159	12/17/2021	SAFETY SUPPLIES	01-31-41-7308	63547	212.70
HUMAN RESOURCE STAFFIN		1001067321	12/16/2021	PW TEMPORARY EMPLOYEE W/E 12/12/21	01-31-41-6207	63545	720.72
HUMAN RESOURCE STAFFIN		1001067411	12/23/2021	PW TEMPORARY EMPLOYEE W/E 12/19/21	01-31-41-6207	63545	794.30
ABSTENENCIA GENTRY		1261-2000012235	12/13/2021	EXCEL- PW TEMP EMPLOYEE W/E 12/21/21	01-31-41-6207	63532	927.36
ABSTENENCIA GENTRY		1261-2000012249	12/20/2021	EXCEL- PW TEMP EMPLOYEE W/E 12/19/21	01-31-41-6207	63532	782.46
ABSTENENCIA GENTRY		1261-2000012261	12/27/2021	EXCEL- PW TEMP EMPLOYEE W/E 12/26/21	01-31-41-6207	63532	405.72
ABSTENENCIA GENTRY		1261-60000000081	12/27/2021	EXCEL- PW TEMP EMPLOYEE W/E 12/26/21	01-31-41-6207	63532	289.80
ABSTENENCIA GENTRY		1261-60000000066	12/13/2021	EXCEL- PW TEMP EMPLOYEE W/E 12/12/21	01-31-41-6207	63532	710.01
ABSTENENCIA GENTRY		1261-60000000073	12/20/2021	EXCEL- PW TEMP EMPLOYEE W/E 12/19/20	01-31-41-6207	63532	463.68
RUSH TRUCK CENTER		3026052087	12/28/2021	316 STARTER PW	01-31-41-6210	63556	540.00
ARAMARK UNIFORM SERVICES		617000012964	12/14/2021	UNIFORM SERVICE- PW SHO	01-31-41-7308	63534	70.42
ARAMARK UNIFORM SERVICES		617000015692	12/30/2021	UNIFORM SERVICE- PW SHO	01-31-41-7308	63534	81.29
ARAMARK UNIFORM SERVICES		617000018245	12/28/2021	UNIFORM SERVICE- PW SHO	01-31-41-7308	63534	63.52
TERMINAL SUPPLY INC		98953-00	12/28/2021	WORK LIGHTS	01-31-41-6212	63560	99.18
ST LOUIS SAFETY INC		INV604042	12/07/2021	SAFETY SUPPLIES FOR BUILDING	01-31-41-7304	63559	108.00
ST LOUIS SAFETY INC		INV604281	12/17/2021	WINTER JACKETS	01-31-41-7308	63559	54.00
Division 41 - STREET MAINTENANCE Total:							35,171.34

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Payment Dates: 12/9/2021 - 1/5/2022

Vendor Name	Purchase Order Number	Payable Number	Payable Date	Description (Item)	Account Number	Payment Number	Amount
Division: 43 - PARKS MAINTENANCE							
AMERENUE		55031-62002 12/1/21	12/01/2021	ELECTRIC PARKS DEPT OCT-NOV 21	01-31-43-6250	DFT0004219	1,053.36
HUMAN RESOURCE STAFFIN		1001067254	12/09/2021	TEMP SERVICES WK ENDING 12/5/21	01-31-43-6207	63460	452.70
MISSOURI AMERICAN WATER CO		1017-210041137908 11/30/	11/30/2021	601 COEUR DE VILLE DR 8/25/21-11/19/21	01-31-43-6254	63467	85.65
MISSOURI AMERICAN WATER CO		1017-210041137908 11/30/	11/30/2021	12100 CONWAY RD PARK 8/26/21-11/22/21	01-31-43-6254	63467	174.04
ABSTENENCIA GENTRY		1261-2000012221	12/06/2021	TEMP SERVICES WE 12/5/21	01-31-43-6207	63444	383.02
CUSTOM HOME ELEVATORS OF ST. LOUIS, INC.		S/N 04-00346-SPL 12-6-21	12/06/2021	ELEVATOR MAINT-TAPPMAYER HOUSE	01-31-43-6224	63456	140.00
POMP'S TIRE SERVICE, INC.		1170072214	12/21/2021	LOADER TIRE	01-31-43-6211	63505	106.99
CERTIFIED POWER INC		15485527	12/16/2021	REPAIR PISTON PUMP 320 PTO	01-31-43-6210	63497	287.50
CERTIFIED POWER INC		15485558	12/17/2021	320 PTO SHORT	01-31-43-6210	63497	74.09
CEE KAY SUPPLY INC		1637646	11/30/2021	TANK RENTAL NOV 21	01-31-43-7307	63496	19.98
RUSH TRUCK CENTER		3026026130	12/22/2021	MIRROR SWITCH	01-31-43-6210	63508	50.00
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	LIFE DEC 21	01-31-43-5234	63489	48.92
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	AD & D DEC 21	01-31-43-5235	63489	5.24
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	LTD DEC 21	01-31-43-5236	63489	21.95
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	HALF OF THE DOG TAGS	01-31-43-6247	DFT0004211	612.50
SPIRE		7725111000 12/17/21	12/17/2021	996 RUE DE LA BANQUE 11/17-12/16/21	01-31-43-6252	DFT0004276	202.22
SPIRE		9717450000 12/14/21	12/14/2021	1030 N LINDBERGH LEAF SITE 11/11-12/13/21	01-31-43-6254	DFT0004221	27.11
HYSPECO, INC.		00496666	12/27/2021	AIR FITTING FOR 318 32PTC-4 UNION	01-31-43-6211	63546	6.27
MIDWESTERN SAFETY EQUIPMENT COMPANY, INC		017133	12/15/2021	SAFETY MISC	01-31-43-7308	63547	34.62
MIDWESTERN SAFETY EQUIPMENT COMPANY, INC		019159	12/17/2021	SAFETY SUPPLIES	01-31-43-7308	63547	70.90
HUMAN RESOURCE STAFFIN		1001067321	12/16/2021	PW TEMPORARY EMPLOYEE W/E 12/12/21	01-31-43-6207	63545	240.24
HUMAN RESOURCE STAFFIN		1001067411	12/23/2021	PW TEMPORARY EMPLOYEE W/E 12/19/21	01-31-43-6207	63545	264.76
ABSTENENCIA GENTRY		1261-2000012235	12/13/2021	EXCEL- PW TEMP EMPLOYEE W/E 12/21/21	01-31-43-6207	63532	309.12
ABSTENENCIA GENTRY		1261-2000012249	12/20/2021	EXCEL- PW TEMP EMPLOYEE W/E 12/19/21	01-31-43-6207	63532	260.82
ABSTENENCIA GENTRY		1261-2000012261	12/27/2021	EXCEL- PW TEMP EMPLOYEE W/E 12/26/21	01-31-43-6207	63532	135.24

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Vendor Name	Purchase Order Number	Payable Number	Payable Date	Description (Item)	Account Number	Payment Number	Amount
ABSTENENCIA GENTRY		1261-60000000081	12/27/2021	EXCEL- PW TEMP EMPLOYEE W/E 12/26/21	01-31-43-6207	63532	96.60
ABSTENENCIA GENTRY		1261-60000000066	12/13/2021	EXCEL- PW TEMP EMPLOYEE W/E 12/12/21	01-31-43-6207	63532	236.67
ABSTENENCIA GENTRY		1261-60000000073	12/20/2021	EXCEL- PW TEMP EMPLOYEE W/E 12/19/20	01-31-43-6207	63532	154.56
RUSH TRUCK CENTER		3026052087	12/28/2021	316 STARTER PW	01-31-43-6210	63556	180.00
ARAMARK UNIFORM SERVICES		617000012964	12/14/2021	UNIFORM SERVICE- PW SHO	01-31-43-7308	63534	23.47
ARAMARK UNIFORM SERVICES		617000015692	12/30/2021	UNIFORM SERVICE- PW SHO	01-31-43-7308	63534	27.10
ARAMARK UNIFORM SERVICES		617000018245	12/28/2021	UNIFORM SERVICE- PW SHO	01-31-43-7308	63534	21.18
ST LOUIS SAFETY INC		INV604281	12/17/2021	WINTER JACKETS	01-31-43-7308	63559	18.00
Division 43 - PARKS MAINTENANCE Total:							5,824.82
Department 31 - PUBLIC WORKS Total:							41,257.53

Department: 32 - COMMUNIITY DEVELOPMENT

Division: 11 - ADMINISTRATIVE

MCLAUGHLIN COURT REPORTING SERVICES INC	121321-2	12/13/2021	12/6/21 P&Z MEETING LONG RANGE PLANNING	01-32-11-6202	63466	200.00
MISSOURI LAWYERS MEDIA	745257094	12/16/2021	PZ MTG 12/20/21 MERCY HEALTH EAST	01-32-11-6260	63472	51.04
AMERICAN UNITED LIFE INSURANCE COMPANY	G00619325-0000-000	12/06/2021	LIFE DEC 21	01-32-11-5234	63489	43.17
AMERICAN UNITED LIFE INSURANCE COMPANY	G00619325-0000-000	12/06/2021	AD & D DEC 21	01-32-11-5235	63489	4.63
AMERICAN UNITED LIFE INSURANCE COMPANY	G00619325-0000-000	12/06/2021	LTD DEC 21	01-32-11-5236	63489	21.86
ARVEST BANK OPERATIONS INC	PURCHASES NOV 21	10/30/2021	WEBINAR J JAGGI & B MOOR	01-32-11-6264	DFT0004211	70.00
Division 11 - ADMINISTRATIVE Total:						390.70

Division: 61 - BUILDING DEPARTMENT

VERIZON WIRELESS SERVICES LLC	9894363886	12/04/2021	TABLETS AND AIRCARDS BLDG 12/05/21-1/04/22	01-32-61-6253	63486	320.08
AMERICAN UNITED LIFE INSURANCE COMPANY	G00619325-0000-000	12/06/2021	LIFE DEC 21	01-32-61-5234	63489	179.19
AMERICAN UNITED LIFE INSURANCE COMPANY	G00619325-0000-000	12/06/2021	AD & D DEC 21	01-32-61-5235	63489	19.20
AMERICAN UNITED LIFE INSURANCE COMPANY	G00619325-0000-000	12/06/2021	LTD DEC 21	01-32-61-5236	63489	104.31

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Payment Dates: 12/9/2021 - 1/5/2022

Vendor Name	Purchase Order Number	Payable Number	Payable Date	Description (Item)	Account Number	Payment Number	Amount
MARBECK PRINTING LLC		212559	12/28/2021	AUTHORIZATION AND IMPROVEMENT SIGNS	01-32-61-7304	63520	519.77
Division 61 - BUILDING DEPARTMENT Total:							1,142.55
Department 32 - COMMUNIITY DEVELOPMENT Total:							1,533.25
Fund 01 - GENERAL FUND Total:							213,587.38
Fund: 02 - CAPITAL IMPROVEMENT FUND							
Department: 61 - CIP							
Division: 71 - CIP							
TRAFFIC CONTROL COMPAN	PO00573	25008	12/05/2021	PYMNT #1 2021 (FY2022) Roadway Striping Project	02-61-71-9510	63484	96,995.80
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	LIFE DEC 21	02-61-71-5234	63489	19.56
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	AD & D DEC 21	02-61-71-5235	63489	2.10
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	LTD DEC 21	02-61-71-5236	63489	16.30
COMMUNICATIONS TECHNOLOGIES, INC.	PO00590	65690	12/24/2021	Phone System Replacement FINAL PAYMENT	02-61-71-9516	63512	18,371.69
GEORGE L. CRAWFORD & ASSOCIATES INC	PO00540-R1	1	11/15/2021	Lindbergh-Old Olive Design Services	02-61-71-9510	63516	40,568.31
HR GREEN, INC.	PO00580	148468	12/02/2021	West Olive Signal Enhancement Design THRU 11/19/21	02-61-71-9510	63518	9,518.00
IMS INFRASTRUCTURE MANAGEMENT SERVICES LL	PO00579	50399-4	11/30/2021	FY2022 Pavement Ratings Update	02-61-71-9510	63519	1,489.35
THOUVENOT, WADE & MOERCHEN, INC.	PO00550	71977	11/29/2021	Fernview Sidewalk Concept Plan - Phase 2	02-61-71-9510	63530	3,646.00
HORNER AND SHIFRIN INC	PO00445	64357	12/13/2021	North New Ballas Phase 1 Design	02-61-71-9510	63544	6,786.25
MISSOURI LAWYERS MEDIA		745272748	12/28/2021	AD FOR GC DESIGN SERVICES	02-61-71-9501	63548	148.40
DREXEL TECHNOLOGIES INC		INV67050	12/21/2021	MOSELY ROAD FEES FOR POSTING JOB IN THE PLANROOM	02-61-71-9510	63539	185.00
Division 71 - CIP Total:							177,746.76
Department 61 - CIP Total:							177,746.76
Fund 02 - CAPITAL IMPROVEMENT FUND Total:							177,746.76
Fund: 06 - MUNICIPAL ENTERPRISE FUND							
CALLAWAY GOLF SALES COMPANY		934021477	11/24/2021	GOLF BALLS FOR RESALE	06-1625	63450	225.48
ROBIN DEESE		JAN 22 CANCELLED	01/04/2022	REFUND DIELMANN ROOM RENTAL	06-4541	63555	205.00
							430.48
							430.48

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Payment Dates: 12/9/2021 - 1/5/2022

Vendor Name	Purchase Order Number	Payable Number	Payable Date	Description (Item)	Account Number	Payment Number	Amount
Department: 14 - COMMUNITY SERVICES							
Division: 31 - ICE ARENA							
ADVERTISING PREMIUM SALES INC		101278	11/04/2021	DRC STAFF APPAREEL	06-14-31-7308	63445	541.60
AZAVAR AUDIT SOLUTIONS		155065	12/07/2021	SALES TAX SAVINGS FROM SPECTRUM ICE ARENA 6635	06-14-31-6255	63448	0.38
MURPHY COMPANY	PO00594	196274	09/20/2021	Monthly Walk-Thrus	06-14-31-6211	63473	420.00
MURPHY COMPANY	PO00594	201519	12/07/2021	Monthly Walk-Thrus	06-14-31-6211	63473	814.55
MISSOURI AMERICAN WATER CO		3831861 12/2/21	12/02/2021	11400 OLDE CABIN FIRE SERVICE 12/2/21 - 1/3/21	06-14-31-6254	63469	58.09
ARAMARK UNIFORM SERVICES		617000007305	11/30/2021	TOWELS AND MOPS	06-14-31-7301	63447	12.22
WESTERN STATES FIRE PROTECTION		NAT031375	12/09/2021	DRC SPRINKLER HEAD REPAIR IN COMPRESSOR RO	06-14-31-6212	63487	592.00
RHINE PARACO GAS OF ST LOUIS		596725	12/07/2021	OLY PROPANE	06-14-31-7307	63506	243.29
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	LIFE DEC 21	06-14-31-5234	63489	46.91
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	AD & D DEC 21	06-14-31-5235	63489	5.03
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	LTD DEC 21	06-14-31-5236	63489	19.40
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Oil for the Oly	06-14-31-6211	DFT0004211	77.98
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Test CC reader.	06-14-31-6213	DFT0004211	2.00
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Test CC reader.	06-14-31-6213	DFT0004211	-2.00
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Test CC reader.	06-14-31-6213	DFT0004211	-2.00
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Test CC reader.	06-14-31-6213	DFT0004211	2.00
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Test CC reader.	06-14-31-6213	DFT0004211	2.00
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Test CC reader.	06-14-31-6213	DFT0004211	-2.00
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Test CC reader.	06-14-31-6213	DFT0004211	-2.00
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Test CC reader.	06-14-31-6213	DFT0004211	2.00
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Misc Supplies	06-14-31-7304	DFT0004211	104.20
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Misc Supplies	06-14-31-7304	DFT0004211	32.40
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Holiday Supplies	06-14-31-7304	DFT0004211	64.52

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Payment Dates: 12/9/2021 - 1/5/2022

Vendor Name	Purchase Order Number	Payable Number	Payable Date	Description (Item)	Account Number	Payment Number	Amount
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	LTS supplies.	06-14-31-7304	DFT0004211	79.96
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Misc Supplies	06-14-31-7304	DFT0004211	214.24
SPIRE		4981701000 12/16/21	12/16/2021	11400 OLDE CABIN RD 11/16 -12/15/21	06-14-31-6252	DFT0004220	1,757.52
AMERENUE		1801001713 12/3/21	12/03/2021	11400 OLDE CABIN ICE ARENA 8/10-9/9/21 CORREC	06-14-31-6250	DFT0004223	9,594.47
AMERENUE		1801001713 12/3/21	12/03/2021	11400 OLDE CABIN ICE ARENA 10/10-11/8/21 CORR	06-14-31-6250	DFT0004223	5,675.67
AMERENUE		1801001713 12/3/21	12/03/2021	11400 OLDE CABIN ICE ARENA 6/10-7/12/21 CORRE	06-14-31-6250	DFT0004223	10,598.29
AMERENUE		1801001713 12/3/21	12/03/2021	11400 OLDE CABIN ICE ARENA 5/11-6/10/21 CORRE	06-14-31-6250	DFT0004223	7,494.97
AMERENUE		1801001713 12/3/21	12/03/2021	11400 OLDE CABIN ICE ARENA 9/9-10/10/21 CORRE	06-14-31-6250	DFT0004223	8,266.41
AMERENUE		1801001713 12/3/21	12/03/2021	11400 OLDE CABIN ICE ARENA 7/12-8/10/21 CORRE	06-14-31-6250	DFT0004223	10,278.61
AMERENUE		1801001713 12/3/21	12/03/2021	11400 OLDE CABIN ICE ARENA 5/11-11/8/21 CREDIT	06-14-31-6250	DFT0004223	-48,516.73
CHARTER COMMUNICATION		0136635122121	12/21/2021	11400 OLDE CABIN 12/21/21 - 01/20/22	06-14-31-6255	63537	78.86
RICOH USA, INC		105712732	12/17/2021	DRC METER READS 12/12/21 - 01/11/2022	06-14-31-6213	63554	43.67
AZAVAR AUDIT SOLUTIONS		155175	12/30/2021	SALES TAX SAVINGS FROM SPECTRUM ICE ARENA 6635	06-14-31-6255	63535	0.38
AMERIGAS PROPANE		2186085	12/13/2021	OLY PRONE - FINAL BILL	06-14-31-7307	63533	462.70
SHERWIN WILLIAMS		2435-9	12/17/2021	PAINT - ICE ARENA	06-14-31-6212	63557	64.59
SHERWIN WILLIAMS		2436-7	12/16/2021	PAINT SUPPLIES ICE ARENA	06-14-31-6212	63557	58.68
RHINE PARACO GAS OF ST LOUIS		600112	12/21/2021	OLY PROPANE	06-14-31-7307	63552	108.05
ARAMARK UNIFORM SERVICES		6140000015700	12/21/2021	INVOICE 6170000015700 TOWELS AND MOPS	06-14-31-7301	63534	12.22
ARAMARK UNIFORM SERVICES		6170000012968	12/14/2021	TOWELS MOPS	06-14-31-7301	63534	12.22
ARAMARK UNIFORM SERVICES		6170000018250	12/28/2021	TOWELS MOPS	06-14-31-7301	63534	12.22
ARAMARK UNIFORM SERVICES		617000009893	12/07/2021	MOPS ICE ARENA	06-14-31-7301	63534	12.22
Division 31 - ICE ARENA Total:							9,341.79
Division: 32 - GOLF MAINTENANCE							
SITEONE LANDSCAPE SUPPLY HOLDING, LLC		114861454-001	11/23/2021	DRAIN PIPE REPAIR	06-14-32-6212	63481	45.80
OREILLY AUTOMOTIVE STORES INC		1388-399182	12/06/2021	MISC VEHICLE MAINTENANC	06-14-32-6210	63475	46.06

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Vendor Name	Purchase Order Number	Payable Number	Payable Date	Description (Item)	Account Number	Payment Number	Amount
OREILLY AUTOMOTIVE STORES INC		1388-399344	12/08/2021	FUEL FILTERS FOR KUBOTA MOWERS	06-14-32-6211	63475	9.87
IMPERIAL FENCE INC		2145874	12/06/2021	FENCE REPAIR, NO PO, PAYMENT MADE BY VEHICLE OWNER	06-14-32-6212	63462	2,122.00
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	LIFE DEC 21	06-14-32-5234	63489	38.40
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	AD & D DEC 21	06-14-32-5235	63489	4.11
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	LTD DEC 21	06-14-32-5236	63489	31.99
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	new starter for kubota mow	06-14-32-6211	DFT0004211	159.55
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	starter for kubota mower	06-14-32-6211	DFT0004211	109.95
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	MOGIC conference admission Cory Chris and K	06-14-32-6261	DFT0004211	350.00
GREENSPRO INC		INV0045564	12/16/2021	HYDRA KALE FOLIAR FERTILIZER	06-14-32-7303	63542	200.00
Division 32 - GOLF MAINTENANCE Total:							3,117.73
Division: 33 - PRO-SHOP							
AZAVAR AUDIT SOLUTIONS		155065	12/07/2021	SALES TAX SAVINGS FROM SPECTRUM PRO SHOP 6635	06-14-33-6255	63448	0.39
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	LIFE DEC 21	06-14-33-5234	63489	18.50
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	AD & D DEC 21	06-14-33-5235	63489	1.98
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	LTD DEC 21	06-14-33-5236	63489	15.41
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Trophies	06-14-33-7304	DFT0004211	520.00
SPIRE		4981701000 12/16/21	12/16/2021	11400 OLDE CABIN RD 11/16-12/15/21	06-14-33-6252	DFT0004220	753.22
AMERENUE		9601003815 12/3/21	12/03/2021	11400 OLDE CABIN GOLF SHOP 8/10-9/9/21	06-14-33-6250	DFT0004224	2,502.58
AMERENUE		9601003815 12/3/21	12/03/2021	CORRECTED 11400 OLDE CABIN GOLF SHOP 9/9-10/8/21	06-14-33-6250	DFT0004224	2,035.24
AMERENUE		9601003815 12/3/21	12/03/2021	CORRECTED 11400 OLDE CABIN GOLF SHOP 6/10-7/12/21	06-14-33-6250	DFT0004224	1,611.94
AMERENUE		9601003815 12/3/21	12/03/2021	CORRECTED 11400 OLDE CABIN GOLF SHOP 10/8-11/8/21	06-14-33-6250	DFT0004224	1,258.46
AMERENUE		9601003815 12/3/21	12/03/2021	CORRECTED 11400 OLDE CABIN GOLF SHOP 5/11-11/8/21 CREDIT	06-14-33-6250	DFT0004224	-11,959.12

Council Report of Invoices Paid Listing

Payment Dates: 12/9/2021 - 1/5/2022

Vendor Name	Purchase Order Number	Payable Number	Payable Date	Description (Item)	Account Number	Payment Number	Amount
AMERENUE		9601003815 12/3/21	12/03/2021	11400 OLDE CABIN GOLF SHOP 5/11-6/10/21 CORRECTED	06-14-33-6250	DFT0004224	2,992.49
AMERENUE		9601003815 12/3/21	12/03/2021	11400 OLDE CABIN GOLF SHOP 7/12-8/10/21 CORRECTED	06-14-33-6250	DFT0004224	2,617.75
CHARTER COMMUNICATION		0136635122121	12/21/2021	11400 OLDE CABIN 12/21/21 - 01/20/22	06-14-33-6255	63537	33.79
RICOH USA, INC		105712732	12/17/2021	DRC METER READS 12/12/21 - 01/11/2022	06-14-33-6213	63554	43.67
AZAVAR AUDIT SOLUTIONS		155175	12/30/2021	SALES TAX SAVINGS FROM SPECTRUM PRO SHOP 6635	06-14-33-6255	63535	0.39
PATTONVILLE SCHOOL DISTRICT		7002	12/23/2021	SCORE CARDS - PRO SHOP	06-14-33-7304	63550	1,190.00
						Division 33 - PRO-SHOP Total:	3,636.69
Division: 34 - FOOD SERVICES							
RL MUELLER NATIONAL DIST INC		110195	11/29/2021	SNACKS FOR RESALE	06-14-34-8319	63477	486.00
HEARTLAND COCA-COLA BOTTLING COMPANY LLC		6070211584	12/02/2021	BEVERAGES FOR RESALE	06-14-34-8317	63459	933.52
ARAMARK UNIFORM SERVICES		617000007305	11/30/2021	SODA TOWELS	06-14-34-7301	63447	8.64
D AND D DISTRIBUTORS LLP		656868	11/29/2021	BEER FOR RESALE	06-14-34-8316	63457	494.50
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Food for Resale	06-14-34-8315	DFT0004211	707.57
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Food For Resale	06-14-34-8315	DFT0004211	25.00
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Food for Resale	06-14-34-8315	DFT0004211	450.00
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Food for Reesle	06-14-34-8315	DFT0004211	705.00
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	Snacks for Resale	06-14-34-8319	DFT0004211	61.43
PERFORMANCE FOOD GROUP INC		4276292	12/10/2021	BEER FOR RESALE	06-14-34-8316	63551	158.13
PERFORMANCE FOOD GROUP INC		4276292	12/10/2021	SNACKS FOR RESALE	06-14-34-8319	63551	535.73
PERFORMANCE FOOD GROUP INC		4276292	12/10/2021	MISC CONSESSION SUPPLIES	06-14-34-8321	63551	20.99
HEARTLAND COCA-COLA BOTTLING COMPANY LLC		5992206103	12/30/2021	BEVERAGES FOR RESALE	06-14-34-8317	63543	802.45
ARAMARK UNIFORM SERVICES		6140000015700	12/21/2021	INVOICE 6170000015700 SODA TOWELS	06-14-34-7301	63534	8.64
ARAMARK UNIFORM SERVICES		6170000012968	12/14/2021	SODA TOWELS	06-14-34-7301	63534	8.64

Council Report of Invoices Paid Listing

Payment Dates: 12/9/2021 - 1/5/2022

Vendor Name	Purchase Order Number	Payable Number	Payable Date	Description (Item)	Account Number	Payment Number	Amount
ARAMARK UNIFORM SERVICES		6170000018250	12/28/2021	SODA TOWELS	06-14-34-7301	63534	8.64
Division 34 - FOOD SERVICES Total:							5,414.88
Department 14 - COMMUNITY SERVICES Total:							21,511.09
Fund 06 - MUNICIPAL ENTERPRISE FUND Total:							21,941.57
Fund: 11 - SEWER LATERAL FUND							
Department: 61 - CIP							
Division: 93 - SEWER LATERAL							
BRADLEY SABIN		SLR 11/02/21	11/02/2021	SEWER LATERAL REIMBURSEMENT	11-61-93-9315	63449	1,484.50
KURT FLETCHER		SLR 12/01/21	12/01/2021	SEWER LATERAL REIMBURSEMENT	11-61-93-9315	63463	1,400.00
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	LIFE DEC 21	11-61-93-5234	63489	3.19
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	AD & D DEC 21	11-61-93-5235	63489	0.34
AMERICAN UNITED LIFE INSURANCE COMPANY		G00619325-0000-000	12/06/2021	LTD DEC 21	11-61-93-5236	63489	2.66
JUDY BRANDVEIN		SLR 11/23/21	11/23/2021	SANITARY SEWER LATERAL REPAIR REIMBURSEMENT	11-61-93-9315	63503	1,300.00
BEN HATTEN		SLR 11/15/21	12/30/2021	SANITARY SEWER LATERAL REPAIR REIMBURSEMENT	11-61-93-9315	63536	1,440.00
Division 93 - SEWER LATERAL Total:							5,630.69
Department 61 - CIP Total:							5,630.69
Fund 11 - SEWER LATERAL FUND Total:							5,630.69
Fund: 19 - PUBLIC SAFETY FUND							
Department: 21 - POLICE							
Division: 23 - COUNTY PUBLIC SAFETY-PROP P							
AZAVAR AUDIT SOLUTIONS		155065	12/07/2021	SALES TAX SAVINGS FROM SPECTRUM PD 1802	19-21-23-6255	63448	0.87
MISSOURI AMERICAN WATER CO		220023905773-F-12	12/02/2021	350 N NEW BALLAS 12/2/21-1/3/22	19-21-23-6254	63468	108.95
SHI INTERNATIONAL CORP.	PO00583	B14445379	12/06/2021	14 DELL LATITUDE RUGGED LAPTOPS- PATROL VEHICLES	19-21-23-7331	63480	38,147.62
AMERENUE		0427008070 11/29/21	11/29/2021	350 N NEW BALLAS POLICE STATION 10/25-11/25/21	19-21-23-6250	DFT0004218	4,228.34
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	TRAINING CLASS - ASP	19-21-23-6261	DFT0004211	100.00
ARVEST BANK OPERATIONS INC		PURCHASES NOV 21	10/30/2021	HEATED MOUSE AND ERGONOMIC KEYBOARD	19-21-23-7331	DFT0004211	75.79
SPIRE		0076006378 12/14/21	12/14/2021	350 N NEW BALLAS RD 11/11-12/13/21	19-21-23-6252	DFT0004277	180.07
AMERENUE		0427008070 12/6/21	12/06/2021	350 N NEW BALLAS POLICE 7/27-8/25/21 CORRECTED	19-21-23-6250	DFT0004225	6,441.80

Council Report of Invoices Paid Listing

Payment Dates: 12/9/2021 - 1/5/2022

Vendor Name	Purchase Order Number	Payable Number	Payable Date	Description (Item)	Account Number	Payment Number	Amount
AMERENUE		0427008070 12/6/21	12/06/2021	350 N NEW BALLAS POLICE 8/25-9/26/21 CORRECTED	19-21-23-6250	DFT0004225	6,476.47
AMERENUE		0427008070 12/6/21	12/06/2021	350 N NEW BALLAS POLICE 9/26-10/25/21 CORRECTED	19-21-23-6250	DFT0004225	4,656.21
AMERENUE		0427008070 12/6/21	12/06/2021	350 N NEW BALLAS POLICE 10/25-11/25/21 CORRECTED	19-21-23-6250	DFT0004225	4,228.34
AMERENUE		0427008070 12/6/21	12/06/2021	350 N NEW BALLAS POLICE 9/26-10/25/21 CREDIT	19-21-23-6250	DFT0004225	-31,748.66
AMERENUE		0427008070 12/6/21	12/06/2021	350 N NEW BALLAS POLICE 5/26-6/27/21 CORRECTED	19-21-23-6250	DFT0004225	6,596.85
AMERENUE		0427008070 12/6/21	12/06/2021	350 N NEW BALLAS POLICE 6/27/21-7/27/21 CORRECTE	19-21-23-6250	DFT0004225	6,795.40
METROPOLITAN ST LOUIS SEWER DISTRICT		1225607-09-12-21	12/14/2021	350 N NEW BALLAS-10/30- 11/30/21	19-21-23-6254	63521	84.18
MISSOURI AMERICAN WATER CO		220023905711-12-21	12/17/2021	350 N NEW BALLAS 11/16- 12/15/21	19-21-23-6254	63522	128.35
SHEET METAL CONTRACTORS INC		70785	12/16/2021	350 N NEW BALLAS QUARTELY HVAC MAINTENA	19-21-23-6211	63527	1,150.00
SAMS CLUB		9804407107	11/23/2021	LOUNGE SUPPLIES FOR POLICE DEPT	19-21-23-7304	63526	170.90
SAMS CLUB		9805971266	11/29/2021	LOUNGE SUPPLIES FOR POLICE DEPARTMENT	19-21-23-7304	63526	31.92
SAMS CLUB		9805975742	11/29/2021	LOUNGE SUPPLIES POLICE DEPARTMENT	19-21-23-7304	63526	141.59
AZAVAR AUDIT SOLUTIONS		155175	12/30/2021	SALES TAX SAVINGS FROM SPECTRUM PD 1802	19-21-23-6255	63535	0.87
Division 23 - COUNTY PUBLIC SAFETY-PROP P Total:							47,995.86
Department 21 - POLICE Total:							47,995.86
Fund 19 - PUBLIC SAFETY FUND Total:							47,995.86
Fund: 99 - POOLED CASH							
ARVEST BANK		01127197 12/15/21	12/15/2021	EPAYABLES PAYMENT 12/15/21	99-2809	DFT0004260	11,747.67
ARVEST BANK		01121797 12/22/21	12/22/2021	EPAYABLES PAYMENT 12/22/21	99-2809	DFT0004261	9,226.95
							20,974.62
							20,974.62
Fund 99 - POOLED CASH Total:							20,974.62
Grand Total:							487,876.88

Report Summary

Fund Summary

Fund	Payment Amount
01 - GENERAL FUND	213,587.38
02 - CAPITAL IMPROVEMENT FUND	177,746.76
06 - MUNICIPAL ENTERPRISE FUND	21,941.57
11 - SEWER LATERAL FUND	5,630.69
19 - PUBLIC SAFETY FUND	47,995.86
99 - POOLED CASH	20,974.62
Grand Total:	487,876.88

Account Summary

Account Number	Account Name	Payment Amount
01-11-12-5234	GROUP LIFE INSURANCE	37.80
01-11-12-6262	DUES MEMBERSHIPS &	2,283.40
01-11-12-6264	IN TOWN MEETINGS	557.31
01-11-12-7306	MEMORIALS AND PLAQ	52.40
01-11-13-5234	GROUP LIFE INSURANCE	21.31
01-11-13-5235	ACCIDENTAL DEATH INS	2.28
01-11-13-5236	DISABILITY INSURANCE	17.75
01-11-13-6202	TECHNICAL AND PERSO	240.00
01-11-13-6213	OFFICE EQUIPMENT MAI	945.70
01-11-13-6253	TELEPHONE	40.01
01-11-13-6262	DUES MEMBERSHIPS &	26.25
01-11-13-7304	GENERAL SUPPLIES	51.90
01-12-11-5234	GROUP LIFE INSURANCE	90.80
01-12-11-5235	ACCIDENTAL DEATH INS	9.74
01-12-11-5236	DISABILITY INSURANCE	74.49
01-12-11-6202	TECHNICAL AND PERSO	59.75
01-12-11-6203	PROFESSIONAL SERVICE	7,470.96
01-12-11-6262	DUES MEMBERSHIPS &	1,059.88
01-12-14-5234	GROUP LIFE INSURANCE	38.34
01-12-14-5235	ACCIDENTAL DEATH INS	4.11
01-12-14-5236	DISABILITY INSURANCE	31.95
01-12-14-6201	LEGAL AND ACCOUNTIN	4,532.00
01-12-14-6213	OFFICE EQUIPMENT MAI	324.70
01-12-14-7304	GENERAL SUPPLIES	81.30
01-13-11-5234	GROUP LIFE INSURANCE	75.42
01-13-11-5235	ACCIDENTAL DEATH INS	8.09
01-13-11-5236	DISABILITY INSURANCE	52.45
01-13-11-6209	ACCOUNTING SERVICES	4,300.00
01-13-15-5230	HOSPITAL AND MEDICAL	11,874.62
01-13-15-6202	TECHNICAL AND PERSO	-2.50

Account Summary

Account Number	Account Name	Payment Amount
01-13-15-6220	LIABILITY INSURANCE	1,958.56
01-13-15-6253	TELEPHONE	2,631.10
01-13-15-6255	CABLE TV AND INTERNE	427.58
01-13-15-6272	EMPLOYEE RELATIONS	2,911.33
01-13-15-7304	GENERAL SUPPLIES	139.73
01-13-15-7312	OFFICE SUPPLIES	19.99
01-13-51-5234	GROUP LIFE INSURANCE	20.86
01-13-51-5235	ACCIDENTAL DEATH INS	2.24
01-13-51-5236	DISABILITY INSURANCE	17.39
01-13-51-6202	TECHNICAL AND PERSO	4,380.00
01-13-51-6213	OFFICE EQUIPMENT MAI	947.96
01-13-51-7331	COMPUTER HARDWARE	5,800.00
01-13-51-7332	COMPUTER SOFTWARE	603.92
01-14-11-5234	GROUP LIFE INSURANCE	17.82
01-14-11-5235	ACCIDENTAL DEATH INS	1.91
01-14-11-5236	DISABILITY INSURANCE	4.41
01-14-11-6202	TECHNICAL AND PERSO	588.00
01-14-11-6213	OFFICE EQUIPMENT MAI	43.66
01-14-11-6221	VENABLE PARK EXPENSE	102.00
01-14-11-7304	GENERAL SUPPLIES	210.95
01-16-11-5234	GROUP LIFE INSURANCE	16.43
01-16-11-5235	ACCIDENTAL DEATH INS	1.76
01-16-11-5236	DISABILITY INSURANCE	13.69
01-16-11-6211	EQUIPMENT MAINTENA	5,459.19
01-16-11-6212	BUILDING AND GROUND	3,030.00
01-16-11-6250	ELECTRICITY	3,620.14
01-16-11-6252	NATURAL GAS	728.50
01-16-11-7304	GENERAL SUPPLIES	104.88
01-16-11-7308	WEARING APPAREL AND	34.56
01-21-11-5234	GROUP LIFE INSURANCE	133.77
01-21-11-5235	ACCIDENTAL DEATH INS	14.33
01-21-11-5236	DISABILITY INSURANCE	111.48
01-21-11-6203	PROFESSIONAL SERVICE	300.00
01-21-11-6253	TELEPHONE	360.09
01-21-11-6262	DUES MEMBERSHIPS &	50.00
01-21-11-6264	IN TOWN MEETINGS	32.00
01-21-11-7302	SMALL TOOLS	68.96
01-21-21-5234	GROUP LIFE INSURANCE	102.39
01-21-21-5235	ACCIDENTAL DEATH INS	10.98
01-21-21-5236	DISABILITY INSURANCE	85.32
01-21-21-7304	GENERAL SUPPLIES	60.24
01-21-21-7313	RANGE SUPPLIES	283.82

Account Summary

Account Number	Account Name	Payment Amount
01-21-22-5234	GROUP LIFE INSURANCE	807.85
01-21-22-5235	ACCIDENTAL DEATH INS	86.52
01-21-22-5236	DISABILITY INSURANCE	565.62
01-21-22-6203	PROFESSIONAL SERVICE	133.00
01-21-22-6210	VEHICLE MAINTENANCE	1,134.25
01-21-22-6211	EQUIPMENT MAINTENA	144.77
01-21-22-6271	MEDICAL SUPPLIES	254.85
01-21-22-7304	GENERAL SUPPLIES	54.99
01-21-22-7308	WEARING APPAREL AND	43.00
01-21-22-9503	EQUIPMENT	740.00
01-2211	HEALTH INSURANCE	91,171.20
01-2215	INTENSIVE CARE/CANCE	369.30
01-2216	SUPPLEMENTAL LIFE	1,116.83
01-2219	VOL LONG TERM DISABI	170.30
01-2222	SHORT TERM DISABILITY	327.22
01-2410	INMATE SECURITY ACCO	45.00
01-2412	PEACE OFFICER AND STA	14.00
01-2413	CVC - CRIME VICTIMS C	97.50
01-2712	POLICE FORFEITURE FU	3,285.00
01-31-11-5234	GROUP LIFE INSURANCE	76.26
01-31-11-5235	ACCIDENTAL DEATH INS	8.17
01-31-11-5236	DISABILITY INSURANCE	62.38
01-31-11-6213	OFFICE EQUIPMENT MAI	85.58
01-31-11-7304	GENERAL SUPPLIES	28.98
01-31-41-5234	GROUP LIFE INSURANCE	107.57
01-31-41-5235	ACCIDENTAL DEATH INS	11.51
01-31-41-5236	DISABILITY INSURANCE	72.56
01-31-41-6207	TEMP PROFESSIONAL SE	7,601.22
01-31-41-6210	VEHICLE MAINTENANCE	2,116.10
01-31-41-6211	EQUIPMENT MAINTENA	838.14
01-31-41-6212	BUILDING AND GROUND	99.18
01-31-41-6250	ELECTRICITY	1,016.44
01-31-41-6251	STREET LIGHTING	9,760.31
01-31-41-6252	NATURAL GAS	606.65
01-31-41-6254	WATER AND SEWER	12,187.93
01-31-41-7304	GENERAL SUPPLIES	108.00
01-31-41-7307	GASOLINE, PROPANE &	59.92
01-31-41-7308	WEARING APPAREL AND	585.81
01-31-43-5234	GROUP LIFE INSURANCE	48.92
01-31-43-5235	ACCIDENTAL DEATH INS	5.24
01-31-43-5236	DISABILITY INSURANCE	21.95
01-31-43-6207	TEMP PROFESSIONAL SE	2,533.73

Account Summary

Account Number	Account Name	Payment Amount
01-31-43-6210	VEHICLE MAINTENANCE	591.59
01-31-43-6211	EQUIPMENT MAINTENA	113.26
01-31-43-6224	TAPPMAYER HOUSE MAI	140.00
01-31-43-6247	DOG PARK EXPENSES	612.50
01-31-43-6250	ELECTRICITY	1,053.36
01-31-43-6252	NATURAL GAS	202.22
01-31-43-6254	WATER AND SEWER	286.80
01-31-43-7307	GASOLINE, PROPANE &	19.98
01-31-43-7308	WEARING APPAREL AND	195.27
01-32-11-5234	GROUP LIFE INSURANCE	43.17
01-32-11-5235	ACCIDENTAL DEATH INS	4.63
01-32-11-5236	DISABILITY INSURANCE	21.86
01-32-11-6202	TECHNICAL AND PERSO	200.00
01-32-11-6260	ADVERTISING	51.04
01-32-11-6264	IN TOWN MEETINGS	70.00
01-32-61-5234	GROUP LIFE INSURANCE	179.19
01-32-61-5235	ACCIDENTAL DEATH INS	19.20
01-32-61-5236	DISABILITY INSURANCE	104.31
01-32-61-6253	TELEPHONE	320.08
01-32-61-7304	GENERAL SUPPLIES	519.77
01-4420	BUILDING PERMITS	500.00
01-4604	POLICE MISC REVENUE	-4.81
01-4729	MISC. REVENUE FINANC	-73.94
02-61-71-5234	GROUP LIFE INSURANCE	19.56
02-61-71-5235	ACCIDENTAL DEATH INS	2.10
02-61-71-5236	DISABILITY INSURANCE	16.30
02-61-71-9501	BUILDINGS AND IMPRO	148.40
02-61-71-9510	STREETS	159,188.71
02-61-71-9516	CAPITAL EQUIPMENT	18,371.69
06-14-31-5234	GROUP LIFE INSURANCE	46.91
06-14-31-5235	ACCIDENTAL DEATH INS	5.03
06-14-31-5236	DISABILITY INSURANCE	19.40
06-14-31-6211	EQUIPMENT MAINTENA	1,312.53
06-14-31-6212	BUILDING AND GROUND	715.27
06-14-31-6213	OFFICE EQUIPMENT MAI	43.67
06-14-31-6250	ELECTRICITY	3,391.69
06-14-31-6252	NATURAL GAS	1,757.52
06-14-31-6254	WATER AND SEWER	58.09
06-14-31-6255	CABLE TV AND INTERNE	79.62
06-14-31-7301	CHEMICALS & CLEANING	61.10
06-14-31-7304	GENERAL SUPPLIES	495.32
06-14-31-7307	GASOLINE, PROPANE &	814.04

Account Summary

Account Number	Account Name	Payment Amount
06-14-31-7308	WEARING APPAREL AND	541.60
06-14-32-5234	GROUP LIFE INSURANCE	38.40
06-14-32-5235	ACCIDENTAL DEATH INS	4.11
06-14-32-5236	DISABILITY INSURANCE	31.99
06-14-32-6210	VEHICLE MAINTENANCE	46.06
06-14-32-6211	EQUIPMENT MAINTENA	279.37
06-14-32-6212	BUILDING AND GROUND	2,167.80
06-14-32-6261	EDUCATION & TRAINING	350.00
06-14-32-7303	HORTICULTURAL SUPPLI	200.00
06-14-33-5234	GROUP LIFE INSURANCE	18.50
06-14-33-5235	ACCIDENTAL DEATH INS	1.98
06-14-33-5236	DISABILITY INSURANCE	15.41
06-14-33-6213	OFFICE EQUIPMENT MAI	43.67
06-14-33-6250	ELECTRICITY	1,059.34
06-14-33-6252	NATURAL GAS	753.22
06-14-33-6255	CABLE TV AND INTERNE	34.57
06-14-33-7304	GENERAL SUPPLIES	1,710.00
06-14-34-7301	CHEMICALS & CLEANING	34.56
06-14-34-8315	SANDWICHES AND HOT	1,887.57
06-14-34-8316	BEER	652.63
06-14-34-8317	COFFEE,TEA & SOFT DRI	1,735.97
06-14-34-8319	SNACKS	1,083.16
06-14-34-8321	MISCELLANEOUS SUPPLI	20.99
06-1625	GOLF BALLS	225.48
06-4541	DIELMANN EAST MEETI	205.00
11-61-93-5234	GROUP LIFE INSURANCE	3.19
11-61-93-5235	ACCIDENTAL DEATH INS	0.34
11-61-93-5236	DISABILITY INSURANCE	2.66
11-61-93-9315	SEWER LATERAL REIMB	5,624.50
19-21-23-6211	EQUIPMENT MAINTENA	1,150.00
19-21-23-6250	ELECTRICITY	7,674.75
19-21-23-6252	NATURAL GAS	180.07
19-21-23-6254	WATER AND SEWER	321.48
19-21-23-6255	CABLE TV AND INTERNE	1.74
19-21-23-6261	EDUCATION & TRAINING	100.00
19-21-23-7304	GENERAL SUPPLIES	344.41
19-21-23-7331	COMPUTER HARDWARE	38,223.41
99-2809	EPAYABLES LIABILITY	20,974.62
Grand Total:		487,876.88

Project Account Summary

Project Account Key	Payment Amount
None	324,919.78
0141116221E	102.00
10222E	148.40
14708E	185.00
18801E	9,518.00
1970122E	3,646.00
21701E	6,786.25
21702E	40,568.31
60022E	96,995.80
60222E	1,489.35
AF-TREAE	3,285.00
ISFE	45.00
K9 UNITE	187.99
Grand Total:	487,876.88

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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF CREVE COEUR, MISSOURI, REGARDING ELECTRIC BICYCLES AND MOTORIZED SCOOTERS.

WHEREAS, the General Assembly of the State of Missouri has enacted SB 176 (2021), which contains certain provisions governing the use and regulation of electric bicycles; and

WHEREAS, the City Council hereby determines that amending the Code of Ordinances of the City of Creve Coeur as set forth herein to regulate electric bicycles as authorized by SB 176 is in the best interests of the City; and

WHEREAS, the City Council has determined that additional regulations regarding motorized scooters are in the public interest;

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

Section One. Title II Public Health, Safety, and Welfare, Chapter 240, Parks and Recreation, Section 240.050 Dog Park Use, Subsection (C)(7) of the Code of Ordinances, City of Creve Coeur, Missouri is hereby amended by the addition of the following language (addition in bold):

C. The following are not allowed in the fenced area of the dog park:

7. Bicycles, **electric bicycles**, skateboards, roller skates or blades or any motorized vehicles, except wheelchairs.

Section Two. Title II Public Health, Safety, and Welfare, Chapter 240, Parks and Recreation, of the Code of Ordinances, City of Creve Coeur, Missouri is hereby amended by the adoption of a new Section 240.090 as follows:

Section 240.090. Bicycles and Scooters.

No person shall operate a bicycles or electric bicycles at a speed which exceeds 12 miles per hour within any City park. Motorized scooters and motorized bicycles shall not be operated within any City park.

Commented [CL1]: Speed limit under review

Commented [CL2]: No speed limit dictated for scooters, instead prohibited in parks - what is desired revision?

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Section Two. Title III Traffic Code, Chapter 300 General Provisions, Section 300.010 Definitions of the Code of Ordinances, City of Creve Coeur, Missouri is hereby amended by the addition of the following language (additions in bold):

ELECTRIC BICYCLE

A bicycle equipped with fully operable pedals, a saddle or seat for the rider, and an electric motor of less than 750 watts that meets the requirements of one of the following three classes:

- (a) **"Class 1 electric bicycle", an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of twenty miles per hour;**
- (b) **"Class 2 electric bicycle", an electric bicycle equipped with a motor that may be used exclusively to propel the bicycle and that is not capable of providing assistance when the bicycle reaches the speed of twenty miles per hour; or**
- (c) **"Class 3 electric bicycle", an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of twenty-eight miles per hour**

MOTOR VEHICLE

Any self-propelled vehicle not operated exclusively upon tracks, except farm tractors, **electric bicycles**, and motorized bicycles.

MOTORIZED BICYCLE

Any two- or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty (50) cubic centimeters, which produces less than three (3) gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than thirty (30) miles per hour on level ground, **excluding electric bicycles.**

PASSENGER

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Any person who travels in a motor vehicle in any manner except as a driver; and any person who travels on a bicycle **or electric bicycle** in any manner except as the operator.

VEHICLE

Any mechanical device on wheels designed primarily for use or used on highways, except motorized bicycles, **electric bicycles**, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, cotton trailers, or motorized wheelchairs operated by physically disabled persons.

Section Three. Title III Traffic Code, Chapter 315 Traffic Control Devices, Section 315.025 Red Light Violations by Motorcycles or Bicycles, Affirmative Defense, When of the Code of Ordinances, City of Creve Coeur, Missouri is hereby amended by the addition of the following language (additions in bold):

Section 315.025 Red Light Violations by Motorcycles, Bicycles, **or Electric Bicycles**, Affirmative Defense, When

A. Any person operating a motorcycle, bicycle, **or electric bicycle**, who violates the provisions of Section 304.281 or Section 304.301, RSMo., by entering or crossing an intersection controlled by a traffic control signal against a red light shall have an affirmative defense to that charge if the person establishes all of the following conditions:

1. The motorcycle, bicycle, or **electric bicycle** has been brought to a complete stop;

Section Four. Title III Traffic Code, Chapter 340 Miscellaneous Driving Rules of the Code of Ordinances, City of Creve Coeur, Missouri is hereby amended by the addition of the following language (additions in bold):

Section 340.050 Vehicle Shall Not Be Driven On A Sidewalk — Prohibition On Obstruction of Bicycle Lanes — Drivers To Yield To Bicycles **and Electric Bicycles** in Designated Bicycle Lanes.

The driver of a motor vehicle shall not drive within any sidewalk area except on a permanent or temporary driveway. A designated bicycle lane shall not be obstructed by a parked or standing motor vehicle or other stationary object. A motor vehicle may be driven in a designated

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bicycle lane only for the purpose of a lawful maneuver to cross the lane or to provide for safe travel. In making an otherwise lawful maneuver that requires traveling in or crossing a designated bicycle lane, the driver of a motor vehicle shall yield to any bicycle **or electric bicycle** in the lane. As used in this Section, the term "designated bicycle lane" shall mean a portion of the roadway or highway that has been designated by the Governing Body having jurisdiction over such roadway or highway by striping with signing or striping with pavement markings for the preferential or exclusive use of bicycles.

Section 340.100 Riding Bicycles, **Electric Bicycles**, Sleds, Roller Skates By Attaching To Another Vehicle Prohibited — Pulling A Rider Behind Vehicle Prohibited.

- A. No person riding upon any bicycle, **electric bicycle**, motorized bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself/herself to any vehicle upon a roadway. Neither shall the driver of a vehicle knowingly pull a rider behind a vehicle.
- B. This Subsection shall not prohibit attaching a bicycle trailer or semi-trailer to a bicycle, **electric bicycle**, or motorized bicycle if that trailer or semi-trailer has been designed for such attachment.

Section 340.140 Manner of Operation of Motor Vehicles — Careful and Prudent.

- B. Failure To Keep A Proper Lookout. No person driving a motor vehicle shall fail to give his/her full attention to the task of driving and to keep a proper lookout through his/her windshield, side windows and the rear mirror for any vehicles, motorcycles, motor scooters, farm tractors, bicycles, **electric bicycles**, and pedestrians that he/she may be approaching or who may be approaching him/her from any direction and from any street, alley or driveway.

Section 340.165 Distance To Be Maintained When Overtaking A Bicycle **Or Electric Bicycle**.

The operator of a motor vehicle overtaking a bicycle **or electric bicycle** proceeding in the same direction on the roadway, as defined in Section 300.010, shall leave a safe distance when passing the bicycle **or electric bicycle** and shall maintain clearance until safely past the overtaken bicycle **or electric bicycle**.

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Section Five. Title III Traffic Code, Chapter 365 Other Vehicle Equipment, Section 365.170.D Use of Safety Belts of the Code of Ordinances, City of Creve Coeur, Missouri is hereby amended by the addition of the following language (additions in bold):

- D. As used in this Section, the term "passenger car" means every motor vehicle designed for carrying ten (10) persons or less and used for the transportation of persons, except that the term "passenger car" shall not include motorcycles, **bicycles, electric bicycles,** and trucks with a licensed gross weight of twelve thousand (12,000) pounds or more.

Section Six. Title III Traffic Code, Chapter 370 Bicycles and Motorized Bicycles of the Code of Ordinances, City of Creve Coeur, Missouri is hereby amended by the addition and deletion of the following language (additions in bold, deletions bracketed and in bold):

Section 370.010 Bicycle, **Electric Bicycle,** and Motorized Bicycle — Defined.

As used in this Chapter, the following terms shall mean:

BICYCLE

Every vehicle propelled solely by human power upon which any person may ride, having two (2) tandem wheels, or two (2) parallel wheels and one (1) or two (2) forward or rear wheels, all of which are more than fourteen (14) inches in diameter, except **electric bicycles,** scooters, and similar devices.

ELECTRIC BICYCLE

A bicycle equipped with fully operable pedals, a saddle or seat for the rider, and an electric motor of less than 750 watts that meets the requirements of one of the following three classes:

- (a) **"Class 1 electric bicycle", an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of twenty miles per hour;**

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- (b) **"Class 2 electric bicycle", an electric bicycle equipped with a motor that may be used exclusively to propel the bicycle and that is not capable of providing assistance when the bicycle reaches the speed of twenty miles per hour; or**
- (c) **"Class 3 electric bicycle", an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of twenty-eight miles per hour**

MOTORIZED BICYCLE

Any two- or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty (50) cubic centimeters, which produces less than three (3) gross brake horsepower and is capable of propelling the device at a maximum speed of not more than thirty (30) miles per hour on level ground, **except electric bicycles**. A motorized bicycle shall be considered a motor vehicle for purposes of any homeowners' or renters' insurance policy.

Section 370.020 Brakes Required.

Every bicycle, **electric bicycle**, and motorized bicycle shall be equipped with a brake or brakes which will enable its driver to stop the bicycle, **electric bicycle**, or motorized bicycle within twenty-five (25) feet from a speed of ten (10) miles per hour on dry, level, clean pavement.

Section 370.030 Lights and Reflectors — When Required — Standards To Be Met.

- A. Every bicycle, **electric bicycle**, and motorized bicycle when in use on a street or highway during the period from one-half (½) hour after sunset to one-half (½) hour before sunrise shall be equipped with the following:
 - 4. Reflective material and/or lights visible on each side of the bicycle, **electric bicycle**, or bicyclist and visible at night

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under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lawful lower beams of vehicle headlights at three hundred (300) feet. The provisions of this Subsection shall not apply to motorized bicycles which comply with National Highway Traffic and Safety Administration regulations relating to reflectors on motorized bicycles.

Section 370.040 Rights and Duties of Bicycle, **Electric Bicycle**, and Motorized Bicycle Riders.

Every person riding a bicycle, **electric bicycle**, or motorized bicycle upon a street or highway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle as provided by Chapter 304, RSMo., and this Title, except as to special regulations in this Chapter, and except as to those provisions of Chapter 304, RSMo., and this Title, which by their nature can have no application.

Section 370.050 Riding To Right — Required For Bicycles, **Electric Bicycles**, and Motorized Bicycles — Mandatory Use of Bicycle Path By Bicycles **and Electric Bicycles**.

- A. Every person operating a bicycle, **electric bicycle**, or motorized bicycle at less than the posted speed or slower than the flow of traffic upon a street or highway shall ride as near to the right side of the roadway as safe, exercising due care when passing a standing vehicle or one proceeding in the same direction, except when making a left turn, when avoiding hazardous conditions, when the lane is too narrow to share with another vehicle, or when on a one-way street. Bicyclists may ride abreast when not impeding other vehicles.
- B. Whenever a usable path for bicycles **or electric bicycles** practical for sustained riding for transportation purposes has been provided adjacent to a roadway, riders shall use such path and shall not use the roadway.

Section 370.060 Bicycle **And Electric Bicycle** To Operate On The Shoulder Adjacent To Roadway, When — Roadway Defined.

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- A. A person operating a bicycle **or electric bicycle** at less than the posted speed or slower than the flow of traffic upon a street or highway may operate as described in Section 370.050 of this Chapter or may operate on the shoulder adjacent to the roadway.
- B. A bicycle **or electric bicycle** operated on a roadway, or the shoulder adjacent to a roadway, shall be operated in the same direction as vehicles are required to be driven upon the roadway.

Section 370.070 Bicycle **And Electric Bicycle** Required To Give Hand or Mechanical Signals.

The operator of a bicycle **or electric bicycle** shall signal as required in Section 340.190 of this Title, except that a signal by the hand and arm need not be given continuously if the hand is needed to control or operate the bicycle **or electric bicycle**. An operator of a bicycle **or electric bicycle** intending to turn the bicycle **or electric bicycle** to the right shall signal as indicated in Section 340.190 of this Title or by extending such operator's right arm in a horizontal position so that the same may be seen in front and in rear of the vehicle.

Section 370.080 Penalty For Violation.

Any person seventeen (17) years of age or older who violates any provision of this Chapter is guilty of an ordinance violation and, upon conviction thereof, shall be punished by a fine of not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00). If any person under seventeen (17) years of age violates any provision of this Chapter in the presence of a Police Officer, said officer may impound the bicycle, **electric bicycle**, or motorized bicycle involved for a period not to exceed five (5) days upon issuance of a receipt to the child riding it or to its owner.

Section 370.110 Carrying Articles.

No person operating a bicycle, **electric bicycle**, or motorized bicycle shall carry any package, bundle or article which prevents the use of both hands in the control and operation of the bicycle, **electric bicycle**, or motorized bicycle. A person operating the bicycle, **electric bicycle**, or

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motorized bicycle shall keep at least one (1) hand on the handlebars at all times.

Section 370.120 Inspecting Bicycles, **Electric Bicycles**, or Motorized Bicycles.

A uniformed City Police Officer may, at any time upon reasonable cause to believe that a bicycle, **electric bicycle**, or motorized bicycle is unsafe or not equipped as required by law or that its equipment is not in proper adjustment or repair, require the person riding the bicycle, **electric bicycle**, or motorized bicycle to stop and submit the bicycle, **electric bicycle**, or motorized bicycle to an inspection and such test with reference thereto as may be appropriate.

Section 370.130 Bicycle Helmet Required.

- A. Every person operating or being a passenger on a bicycle, **electric bicycle**, or motorized bicycle or using in-line skates, roller skates, a skateboard, a scooter, or similar wheeled device on a public roadway, public bicycle path or other public rights-of-way shall wear a bicycle helmet of good fit, fastened securely upon the head with the straps of the helmet.
- B. No person operating a bicycle, **electric bicycle**, or motorized bicycle or using in-line skates, roller skates, a skateboard, a scooter, or similar wheeled device on a public roadway, public bicycle path or other public rights-of-way shall allow anyone to ride as a passenger unless the passenger is wearing a bicycle helmet of good fit, fastened securely upon the head with the straps of the helmet, or else is in an enclosed trailer or other device properly attached to a bicycle **or electric bicycle** which meets or exceeds current nationally recognized standards of design and manufacture for the protection of the passenger's head from impacts in an accident without the need for a helmet.
- C. No parent, custodian, or legal guardian of a person age sixteen (16) and under shall knowingly permit said person to operate or be a passenger on a bicycle, **electric bicycle**, or motorized bicycle or to use in-line skates, roller skates, a skateboard, a

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scooter, or similar wheeled device, without wearing a bicycle helmet of good fit, fastened securely upon the head with the straps of the helmet.

- D. No person operating a bicycle, **electric bicycle**, or motorized bicycle on a public roadway, public bicycle path or other public right-of-way shall allow anyone who is either four (4) years old or younger, weighing forty (40) pounds or less, to ride as a passenger on the bicycle, **electric bicycle**, or motorized bicycle other than in a seat which shall adequately retain the passenger in place and protect the passenger from the bicycle's, **electric bicycle's**, or motorized bicycle's moving parts.

- E. A person regularly engaged in the business of renting bicycles, **electric bicycle**, motorized bicycles, in-line skates, roller skates, skateboards, scooters, or similar wheeled devices shall require each person seeking to rent one (1) or more of these items to provide his/her signature either on the rental form or on a separate form indicating both of the following:
 - 2. A statement concerning whether the person will be an operator or passenger on the bicycle, **electric bicycle**, motorized bicycle, in-line skates, roller skates, skateboard, scooter, or similar wheeled device in an area where the use of a bicycle helmet is required.

- F. A person regularly engaged in the business of selling or renting bicycles, **electric bicycle**, motorized bicycles, in-line skates, roller skates, skateboards, scooters, or similar wheeled devices shall provide a bicycle helmet to any person who will be an operator or passenger on the bicycle, **electric bicycle**, motorized bicycle, in-line skates, roller skates, skateboard, scooter, or similar wheeled device in an area requiring a bicycle helmet, if the person does not already have a helmet in his/her possession. A reasonable fee may be charged for the bicycle helmet rental.

- I. This Section shall only apply to bicycles, **electric bicycles**, motorized bicycles, in-line skates, roller skates, skateboards, scooters, and similar wheeled devices operated on a public

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roadway, public bicycle path or other public rights-of-way and not on private residential property.

Section 370.150 Bicycles, **Electric Bicycles, Motorized Scooters**, and Motorized Bicycles On Sidewalks **and Paths**.

A. A person may not propel or operate a n **electric bicycle, motorized scooter, or** motorized bicycle on sidewalks **or crosswalks**

B. A person propelling a bicycle **upon and along a sidewalk or** across a roadway upon and along a crosswalk shall yield the right-of-way to any pedestrians and shall give audible signal before overtaking and passing such pedestrian **and shall otherwise have all the rights and duties applicable to pedestrians under the same circumstances.**

C. A person shall not ride a bicycle upon and along a sidewalk or across a roadway upon and along a crosswalk, where such use of bicycles is prohibited by official traffic control devices.

D. **[A person propelling a bicycle upon and along a sidewalk or across a roadway upon and along a crosswalk shall have all the rights and duties applicable to a pedestrian under the same circumstances.]**

[E.] No person shall propel a bicycle, **electric bicycle, motorized scooter, motorized bicycle**, skateboard or operate a motorized vehicle of any type upon the fitness trail or grass area of Conway Park, except for authorized maintenance or emergency vehicles.

Section 370.160 Electric Bicycles

A. **Except as otherwise provided in this Chapter, every person riding an electric bicycle shall be granted all of the rights**

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and shall be subject to all of the duties applicable to the operator of a bicycle, or motorized bicycle under this Code or Chapter 304, RSMo. For the purposes of the application of this Code, an electric bicycle shall be considered a vehicle to the same extent as a bicycle, or motorized bicycle.

- B. An electric bicycle or a person operating an electric bicycle is not subject to provisions of law that are applicable only to motor vehicles, all-terrain vehicles, off-road vehicles, off-highway vehicles, motor vehicle rentals, motor vehicle dealers or franchises, or motorcycle dealers or franchises, including vehicle registration, certificates of title, drivers' licenses, and financial responsibility.
- C. No person shall tamper with or modify an electric bicycle so as to change the motor-powered speed capability or engagement of an electric bicycle unless he or she replaces the label required under 307.194.3, RSMo. with a new label indicating the new classification. Violation of this subsection shall be punishable as an offense under Section 100.090 of this Code.
- D. An electric bicycle shall comply with the equipment and manufacturing requirements for bicycles adopted by the United States Consumer Product Safety Commission, 16 CFR 1512.
- E. An electric bicycle shall operate in a manner so that the electric motor is disengaged or ceases to function when the rider stops pedaling or when the brakes are applied.
- F. An electric bicycle may be ridden where bicycles are permitted to travel, including but not limited to bicycle or multi-use paths where bicycles are permitted.
- G. No person under sixteen years of age shall operate a class 3 electric bicycle. A person under sixteen years of age may ride as a passenger on a class 3 electric bicycle that is designed to accommodate passengers.
- H. All class 3 electric bicycles shall be equipped with a speedometer that is capable of displaying the speed an

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electric bicycle is traveling in miles per hour.

- I. Electric bicycles are not permitted on designated nonmotorized trails having a natural surface tread made by grading and clearing the native soil with no added surface materials.**

Section Seven. It is hereby declared to be the intention of the City Council that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section, and subsection hereof and that the City Council intends to adopt each said part, section, and subsection separately and independently of any other part, section, and subsection. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect.

Section Eight. The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered by the codification company servicing the Code of Ordinances, City of Creve Coeur, Missouri upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations, the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

Section Nine. This Ordinance shall be in full force and effect from and after its passage and approval pursuant to section 3.11(g) of the City Charter.

PASSED BY THE CITY COUNCIL OF THE CITY OF CREVE COEUR, MISSOURI, THIS _____ DAY OF _____, 2022.

Heather Silverman, Council President

APPROVED THIS _____ DAY OF _____, 2022.

Dr. Robert Hoffman, Mayor

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Attest:

Kelly Henke, City Clerk



MEMORANDUM

DATE: January 3, 2021

TO: Mark Perkins, City Administrator

FROM: Jeffrey Hartman, Chief of Police

SUBJECT: Proposed Changes to Ordinances as a Result of SB 176

With regards to the proposed changes to city ordinances (240.090; 300.010; 315.025; 340.050; 370.110; 370.120; 370.130; 370.150; 370.160), I would like to provide the following information:

The table below depicts all police reports involving bicyclists, skateboards, or motorized scooters in the previous five years. All incidents occurred on a roadway. No incidents were reported in city parks or on sidewalks.

Date	Location	Involving	Injuries	Probable Contributing Circumstance
2/15/18	Old Olive West before Olive Blvd	Bicyclist	Sore hip, bruised ankle	Motorist failed to yield
5/8/18	Parking lot of 609 N New Ballas	Motorized Wheelchair	Minor cuts	Motorist distracted
6/8/18	Top of ramp from NB 270 at Olive Blvd	Bicyclist	Scrapes	Cyclist violated signal
7/22/18	Colonial Hills Pkwy and N. Spode Rd.	Bicyclist	Minor lacerations	Cyclist failed to yield
10/22/18	N. New Ballas and Olive Blvd.	Bicyclist	Minor scrapes	Motorist distracted
6/26/19	Olive Blvd before Dautel Ln.	Bicyclist	Injured shoulder, arm & knee	Motorist and bicyclist failed to yield
8/1/19	Ladue Rd. after Ladue Woods Estates Dr.	Bicyclist	Injured elbow & hip	Motorist failed to yield
9/12/19	Baur Blvd. after US 67	Bicyclist	Injured knee, elbow & ribs	Motorist distracted
5/29/20	Fernview after Olive Blvd.	Bicyclist	Bicyclist left the scene	Motorist vision obstructed by landscaping
7/30/21	Olive Blvd. at Chase Park Ln.	Bicyclist	Injured wrist, shoulder, shin	Motorist and bicyclist distracted
9/29/21	Baur Blvd. after Lindbergh Plaza Center	Skateboard	Fractured hip	Motorist left the scene

Complaints Received by the Police Department in City Parks involving bicyclists, scooters, or other motorized vehicles**Dr. H. Phillip Venable Memorial Park**

May 2018 - Complaint of golf cart using path (interpreted as a violation of ordinance 340.050)

November 2018 - Two (2) Complaints of golf cart using the path (interpreted as a violation of ordinance 340.050)

April 2019 - Electric scooter complaint (complainant was concerned about the speed of the scooter)

September 2019 - Electric scooter complaint (complainant was concerned about the speed of the scooter)

Millennium Park

June 2021 - Accidental injury of a person in a wheelchair (subject fell out of the wheelchair)

Recommendations

- 1) e-bike speed limit restrictions:** Although we have received two complaints regarding the speed of electric scooters in city parks, I do not recommend creating a speed limit in city parks specific to bicycles, e-bikes or electric scooters. I believe that creating a speed limit for bicycles or e-bikes in city parks would add a component to the code of ordinances that would be very difficult for the Police Department to enforce. Additionally, it would require the posting of speed limit signs on park trails and pathways, detracting from the park environment. If the speed of e-bikes is a safety concern for residents using city parks, I would recommend further discussion on prohibiting the class of e-bikes that reach the highest speed prior to the power shutting down (Class 3). This prohibition would be easier to enforce than a speed limit.
 - 2) Enhancing restrictions on sidewalks:** Since there is no data to support creating additional sidewalk restrictions for bicycles, I do not recommend creating any further restrictions for bicycle usage on city sidewalks, including age restrictions for bicyclists using sidewalks.
-

BILL NO. _____

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF CREVE COEUR, MISSOURI,
REGARDING ELECTRIC BICYCLES AND MOTORIZED SCOOTERS.**

WHEREAS, the General Assembly of the State of Missouri has enacted SB 176 (2021), which contains certain provisions governing the use and regulation of electric bicycles; and

~~**WHEREAS**, pursuant to the requirements of SB 176, and after publication of notice of hearing in the St. Louis Countian on _____, the City Council held a public hearing on _____ regarding the question of whether electric bicycles should be prohibited on bicycle and/or multi use paths under the City's jurisdiction; and~~

~~**WHEREAS**, in addition to the information obtained at the public hearing, the City's Parks and Historic Preservation Committee recommend the prohibition of class 2 electric bicycles (as defined herein) on bicycle and multi use paths under the City's jurisdiction; and~~

WHEREAS, the City Council hereby determines that amending the Code of Ordinances of the City of Creve Coeur as set forth herein to regulate electric bicycles as authorized by SB 176 is in the best interests of the City, ~~and that the prohibition of class 2 electric bicycles (as defined herein) on bicycle and multi use paths under the City's Jurisdiction is necessary for public safety;~~ and

WHEREAS, the City Council has determined that additional regulations regarding motorized scooters are in the public interest;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF CREVE COEUR, MISSOURI, AS FOLLOWS:**

Section One. Title II Public Health, Safety, and Welfare, Chapter 240, Parks and Recreation, Section 240.050 Dog Park Use, Subsection (C)(7) of the Code of Ordinances, City of Creve Coeur, Missouri is hereby amended by the addition of the following language (addition in bold):

C. The following are not allowed in the fenced area of the dog park:

7. Bicycles, **electric bicycles**, skateboards, roller skates or blades or any motorized vehicles, except wheelchairs.

Section Two. Title II Public Health, Safety, and Welfare, Chapter 240,

Parks and Recreation, of the Code of Ordinances, City of Creve Coeur, Missouri is hereby amended by the adoption of a new Section 240.090 as follows:

Section 240.090. Bicycles and Scooters.

No person shall operate a bicycles or electric bicycles at a speed which exceeds 12 miles per hour within any City park. Motorized scooters and motorized bicycles shall not be operated within any City park.

Section Two. Title III Traffic Code, Chapter 300 General Provisions, Section 300.010 Definitions of the Code of Ordinances, City of Creve Coeur, Missouri is hereby amended by the addition of the following language (additions in bold):

ELECTRIC BICYCLE

A bicycle equipped with fully operable pedals, a saddle or seat for the rider, and an electric motor of less than 750 watts that meets the requirements of one of the following three classes:

- (a) **"Class 1 electric bicycle", an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of twenty miles per hour;**
- (b) **"Class 2 electric bicycle", an electric bicycle equipped with a motor that may be used exclusively to propel the bicycle and that is not capable of providing assistance when the bicycle reaches the speed of twenty miles per hour; or**
- (c) **"Class 3 electric bicycle", an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of twenty-eight miles per hour**

MOTOR VEHICLE

Any self-propelled vehicle not operated exclusively upon

tracks, except farm tractors, **electric bicycles**, and motorized bicycles.

MOTORIZED BICYCLE

Any two- or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty (50) cubic centimeters, which produces less than three (3) gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than thirty (30) miles per hour on level ground, **excluding electric bicycles**.

PASSENGER

Any person who travels in a motor vehicle in any manner except as a driver; and any person who travels on a bicycle **or electric bicycle** in any manner except as the operator.

VEHICLE

Any mechanical device on wheels designed primarily for use or used on highways, except motorized bicycles, **electric bicycles**, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, cotton trailers, or motorized wheelchairs operated by physically disabled persons.

Section Three. Title III Traffic Code, Chapter 315 Traffic Control Devices, Section 315.025 Red Light Violations by Motorcycles or Bicycles, Affirmative Defense, When of the Code of Ordinances, City of Creve Coeur, Missouri is hereby amended by the addition of the following language (additions in bold):

Section 315.025 Red Light Violations by Motorcycles, Bicycles, **or Electric Bicycles**, Affirmative Defense, When

- A. Any person operating a motorcycle, bicycle **or electric bicycle**, who violates the provisions of Section 304.281 or Section 304.301, RSMo., by entering or crossing an intersection controlled by a traffic control signal against a red light shall have an affirmative defense to that charge if the person establishes all of the following conditions:
 - 1. The motorcycle, bicycle, or **electric bicycle** has been brought to a complete stop;

Section Four. Title III Traffic Code, Chapter 340 Miscellaneous Driving Rules of the Code of Ordinances, City of Creve Coeur, Missouri is hereby amended by the addition of the following language (additions in bold):

Section 340.050 Vehicle Shall Not Be Driven On A Sidewalk — Prohibition On Obstruction of Bicycle Lanes — Drivers To Yield To Bicycles **and Electric Bicycles** in Designated Bicycle Lanes.

The driver of a motor vehicle shall not drive within any sidewalk area except on a permanent or temporary driveway. A designated bicycle lane shall not be obstructed by a parked or standing motor vehicle or other stationary object. A motor vehicle may be driven in a designated bicycle lane only for the purpose of a lawful maneuver to cross the lane or to provide for safe travel. In making an otherwise lawful maneuver that requires traveling in or crossing a designated bicycle lane, the driver of a motor vehicle shall yield to any bicycle **or electric bicycle** in the lane. As used in this Section, the term "designated bicycle lane" shall mean a portion of the roadway or highway that has been designated by the Governing Body having jurisdiction over such roadway or highway by striping with signing or striping with pavement markings for the preferential or exclusive use of bicycles.

Section 340.100 Riding Bicycles, **Electric Bicycles**, Sleds, Roller Skates By Attaching To Another Vehicle Prohibited — Pulling A Rider Behind Vehicle Prohibited.

- A. No person riding upon any bicycle, **electric bicycle**, motorized bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself/herself to any vehicle upon a roadway. Neither shall the driver of a vehicle knowingly pull a rider behind a vehicle.
- B. This Subsection shall not prohibit attaching a bicycle trailer or semi-trailer to a bicycle, **electric bicycle**, or motorized bicycle if that trailer or semi-trailer has been designed for such attachment.

Section 340.140 Manner of Operation of Motor Vehicles — Careful and Prudent.

- B. Failure To Keep A Proper Lookout. No person driving a motor vehicle shall fail to give his/her full attention to the task of driving and to keep a proper lookout through his/her windshield, side windows and the rear mirror for any vehicles, motorcycles, motor scooters, farm tractors, bicycles, **electric bicycles**, and

pedestrians that he/she may be approaching or who may be approaching him/her from any direction and from any street, alley or driveway.

Section 340.165 Distance To Be Maintained When Overtaking A Bicycle Or Electric Bicycle.

The operator of a motor vehicle overtaking a bicycle **or electric bicycle** proceeding in the same direction on the roadway, as defined in Section 300.010, shall leave a safe distance when passing the bicycle **or electric bicycle** and shall maintain clearance until safely past the overtaken bicycle **or electric bicycle**.

Section Five. Title III Traffic Code, Chapter 365 Other Vehicle Equipment, Section 365.170.D Use of Safety Belts of the Code of Ordinances, City of Creve Coeur, Missouri is hereby amended by the addition of the following language (additions in bold):

- D. As used in this Section, the term "passenger car" means every motor vehicle designed for carrying ten (10) persons or less and used for the transportation of persons, except that the term "passenger car" shall not include motorcycles, **bicycles, electric bicycles**, and trucks with a licensed gross weight of twelve thousand (12,000) pounds or more.

Section Six. Title III Traffic Code, Chapter 370 Bicycles and Motorized Bicycles of the Code of Ordinances, City of Creve Coeur, Missouri is hereby amended by the addition and deletion of the following language (additions in bold, deletions bracketed and in bold):

Section 370.010 Bicycle, **Electric Bicycle**, and Motorized Bicycle — Defined.

As used in this Chapter, the following terms shall mean:

BICYCLE

Every vehicle propelled solely by human power upon which any person may ride, having two (2) tandem wheels, or two (2) parallel wheels and one (1) or two (2) forward or rear wheels, all of which are more than fourteen (14) inches in diameter, except **electric bicycles**, scooters and similar devices.

ELECTRIC BICYCLE

A bicycle equipped with fully operable pedals, a saddle or seat for the rider, and an electric motor of less than 750 watts that meets the requirements of one of the following three classes:

- (a) "Class 1 electric bicycle", an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of twenty miles per hour;
- (b) "Class 2 electric bicycle", an electric bicycle equipped with a motor that may be used exclusively to propel the bicycle and that is not capable of providing assistance when the bicycle reaches the speed of twenty miles per hour; or
- (c) "Class 3 electric bicycle", an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of twenty-eight miles per hour

MOTORIZED BICYCLE

Any two- or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty (50) cubic centimeters, which produces less than three (3) gross brake horsepower and is capable of propelling the device at a maximum speed of not more than thirty (30) miles per hour on level ground, **except electric bicycles**. A motorized bicycle shall be considered a motor vehicle for purposes of any homeowners' or renters' insurance policy.

Section 370.020 Brakes Required.

Every bicycle, **electric bicycle**, and motorized bicycle shall be equipped with a brake or brakes which will enable its driver to stop the bicycle,

electric bicycle, or motorized bicycle within twenty-five (25) feet from a speed of ten (10) miles per hour on dry, level, clean pavement.

Section 370.030 Lights and Reflectors — When Required — Standards To Be Met.

- A. Every bicycle, **electric bicycle**, and motorized bicycle when in use on a street or highway during the period from one-half (½) hour after sunset to one-half (½) hour before sunrise shall be equipped with the following:
 - 4. Reflective material and/or lights visible on each side of the bicycle, **electric bicycle**, or bicyclist and visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lawful lower beams of vehicle headlights at three hundred (300) feet. The provisions of this Subsection shall not apply to motorized bicycles which comply with National Highway Traffic and Safety Administration regulations relating to reflectors on motorized bicycles.

Section 370.040 Rights and Duties of Bicycle, **Electric Bicycle**, and Motorized Bicycle Riders.

Every person riding a bicycle, **electric bicycle**, or motorized bicycle upon a street or highway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle as provided by Chapter 304, RSMo., and this Title, except as to special regulations in this Chapter, and except as to those provisions of Chapter 304, RSMo., and this Title, which by their nature can have no application.

Section 370.050 Riding To Right — Required For Bicycles, **Electric Bicycles**, and Motorized Bicycles — Mandatory Use of Bicycle Path By Bicycles **and Electric Bicycles**.

- A. Every person operating a bicycle, **electric bicycle**, or motorized bicycle at less than the posted speed or slower than the flow of traffic upon a street or highway shall ride as near to the right side of the roadway as safe, exercising due care when passing a

standing vehicle or one proceeding in the same direction, except when making a left turn, when avoiding hazardous conditions, when the lane is too narrow to share with another vehicle, or when on a one-way street. Bicyclists may ride abreast when not impeding other vehicles.

- B. Whenever a usable path for bicycles **or electric bicycles** practical for sustained riding for transportation purposes has been provided adjacent to a roadway, riders shall use such path and shall not use the roadway.

Section 370.060 Bicycle **And Electric Bicycle** To Operate On The Shoulder Adjacent To Roadway, When — Roadway Defined.

- A. A person operating a bicycle **or electric bicycle** at less than the posted speed or slower than the flow of traffic upon a street or highway may operate as described in Section 370.050 of this Chapter or may operate on the shoulder adjacent to the roadway.
- B. A bicycle **or electric bicycle** operated on a roadway, or the shoulder adjacent to a roadway, shall be operated in the same direction as vehicles are required to be driven upon the roadway.

Section 370.070 Bicycle **And Electric Bicycle** Required To Give Hand or Mechanical Signals.

The operator of a bicycle **or electric bicycle** shall signal as required in Section 340.190 of this Title, except that a signal by the hand and arm need not be given continuously if the hand is needed to control or operate the bicycle **or electric bicycle**. An operator of a bicycle **or electric bicycle** intending to turn the bicycle **or electric bicycle** to the right shall signal as indicated in Section 340.190 of this Title or by extending such operator's right arm in a horizontal position so that the same may be seen in front and in rear of the vehicle.

Section 370.080 Penalty For Violation.

Any person seventeen (17) years of age or older who violates any provision of this Chapter is guilty of an ordinance violation and, upon conviction thereof, shall be punished by a fine of not less than five

dollars (\$5.00) nor more than twenty-five dollars (\$25.00). If any person under seventeen (17) years of age violates any provision of this Chapter in the presence of a Police Officer, said officer may impound the bicycle, **electric bicycle**, or motorized bicycle involved for a period not to exceed five (5) days upon issuance of a receipt to the child riding it or to its owner.

Section 370.110 Carrying Articles.

No person operating a bicycle, **electric bicycle**, or motorized bicycle shall carry any package, bundle or article which prevents the use of both hands in the control and operation of the bicycle, **electric bicycle**, or motorized bicycle. A person operating the bicycle, **electric bicycle**, or motorized bicycle shall keep at least one (1) hand on the handlebars at all times.

Section 370.120 Inspecting Bicycles, **Electric Bicycles**, or Motorized Bicycles.

A uniformed City Police Officer may, at any time upon reasonable cause to believe that a bicycle, **electric bicycle**, or motorized bicycle is unsafe or not equipped as required by law or that its equipment is not in proper adjustment or repair, require the person riding the bicycle, **electric bicycle**, or motorized bicycle to stop and submit the bicycle, **electric bicycle**, or motorized bicycle to an inspection and such test with reference thereto as may be appropriate.

Section 370.130 Bicycle Helmet Required.

- A. Every person operating or being a passenger on a bicycle, **electric bicycle**, or motorized bicycle or using in-line skates, roller skates, a skateboard, a scooter, or similar wheeled device on a public roadway, public bicycle path or other public rights-of-way shall wear a bicycle helmet of good fit, fastened securely upon the head with the straps of the helmet.
- B. No person operating a bicycle, **electric bicycle**, or motorized bicycle or using in-line skates, roller skates, a skateboard, a scooter, or similar wheeled device on a public roadway, public

bicycle path or other public rights-of-way shall allow anyone to ride as a passenger unless the passenger is wearing a bicycle helmet of good fit, fastened securely upon the head with the straps of the helmet, or else is in an enclosed trailer or other device properly attached to a bicycle **or electric bicycle** which meets or exceeds current nationally recognized standards of design and manufacture for the protection of the passenger's head from impacts in an accident without the need for a helmet.

- C. No parent, custodian or legal guardian of a person age sixteen (16) and under shall knowingly permit said person to operate or be a passenger on a bicycle, **electric bicycle**, or motorized bicycle or to use in-line skates, roller skates, a skateboard, a scooter, or similar wheeled device, without wearing a bicycle helmet of good fit, fastened securely upon the head with the straps of the helmet.
- D. No person operating a bicycle, **electric bicycle**, or motorized bicycle on a public roadway, public bicycle path or other public right-of-way shall allow anyone who is either four (4) years old or younger, weighing forty (40) pounds or less, to ride as a passenger on the bicycle, **electric bicycle**, or motorized bicycle other than in a seat which shall adequately retain the passenger in place and protect the passenger from the bicycle's, **electric bicycle's**, or motorized bicycle's moving parts.
- E. A person regularly engaged in the business of renting bicycles, **electric bicycle**, motorized bicycles, in-line skates, roller skates, skateboards, scooters, or similar wheeled devices shall require each person seeking to rent one (1) or more of these items to provide his/her signature either on the rental form or on a separate form indicating both of the following:
 - 2. A statement concerning whether the person will be an operator or passenger on the bicycle, **electric bicycle**, motorized bicycle, in-line skates, roller skates, skateboard, scooter, or similar wheeled device in an area where the use of a bicycle helmet is required.

- F. A person regularly engaged in the business of selling or renting bicycles, **electric bicycle**, motorized bicycles, in-line skates, roller skates, skateboards, scooters, or similar wheeled devices shall provide a bicycle helmet to any person who will be an operator or passenger on the bicycle, **electric bicycle**, motorized bicycle, in-line skates, roller skates, skateboard, scooter, or similar wheeled device in an area requiring a bicycle helmet, if the person does not already have a helmet in his/her possession. A reasonable fee may be charged for the bicycle helmet rental.
- I. This Section shall only apply to bicycles, **electric bicycles**, motorized bicycles, in-line skates, roller skates, skateboards, scooters, and similar wheeled devices operated on a public roadway, public bicycle path or other public rights-of-way and not on private residential property.

Section 370.150 Bicycles, **Electric Bicycles, Motorized Scooters**, and Motorized Bicycles On Sidewalks **and Paths**.

- A. A person may not propel or operate a **bicycle, electric bicycle, motorized scooter, or** motorized bicycle on sidewalks ~~or crosswalks~~, except sidewalks on state highways and county roads.
- B. A person propelling a bicycle, **electric bicycle, motorized scooter, or motorized bicycle** ~~upon and along a sidewalk or~~ across a roadway upon and along a crosswalk shall yield the right-of-way to any pedestrians and shall give audible signal before overtaking and passing such pedestrian **and shall otherwise have all the rights and duties applicable to pedestrians under the same circumstances.**
- C. A person shall not ride a bicycle, **electric bicycle, motorized scooter, or motorized bicycle** ~~upon and along a sidewalk or~~ across a roadway upon and along a crosswalk, where such use of bicycles is prohibited by official traffic control devices.
- D. ~~[A person propelling a bicycle upon and along a sidewalk or across a roadway upon and along a crosswalk shall have~~

~~all the rights and duties applicable to a pedestrian under the same circumstances.}~~

~~No person shall operate a class 2 electric bicycle on any City bicycle or multi-use path.~~

- E. No person shall propel a bicycle, **electric bicycle, motorized scooter, motorized bicycle**, skateboard or operate a motorized vehicle of any type upon the fitness trail or grass area of Conway Park, except for authorized maintenance or emergency vehicles.

Section 370.160 Electric Bicycles

- A. Except as otherwise provided in this Chapter, every person riding an electric bicycle shall be granted all of the rights and shall be subject to all of the duties applicable to the operator of a bicycle, or motorized bicycle under this Code or Chapter 304, RSMo. For the purposes of the application of this Code, an electric bicycle shall be considered a vehicle to the same extent as a bicycle, or motorized bicycle.
- B. An electric bicycle or a person operating an electric bicycle is not subject to provisions of law that are applicable only to motor vehicles, all-terrain vehicles, off-road vehicles, off-highway vehicles, motor vehicle rentals, motor vehicle dealers or franchises, or motorcycle dealers or franchises, including vehicle registration, certificates of title, drivers' licenses, and financial responsibility.
- C. No person shall tamper with or modify an electric bicycle so as to change the motor-powered speed capability or engagement of an electric bicycle unless he or she replaces the label required under 307.194.3, RSMo. with a new label indicating the new classification. Violation of this subsection shall be punishable as an offense under Section 100.090 of this Code.
- D. An electric bicycle shall comply with the equipment and manufacturing requirements for bicycles adopted by the

United States Consumer Product Safety Commission, 16 CFR 1512.

- E. An electric bicycle shall operate in a manner so that the electric motor is disengaged or ceases to function when the rider stops pedaling or when the brakes are applied.**
- F. An electric bicycle may be ridden where bicycles are permitted to travel, including but not limited to bicycle or multi-use paths where bicycles are permitted. ~~except that class 2 electric bicycles are prohibited on City bicycle and multi-use paths.~~**
- G. No person under sixteen years of age shall operate a class 3 electric bicycle. A person under sixteen years of age may ride as a passenger on a class 3 electric bicycle that is designed to accommodate passengers.**
- H. All class 3 electric bicycles shall be equipped with a speedometer that is capable of displaying the speed an electric bicycle is traveling in miles per hour.**
- I. Electric bicycles are not permitted on designated nonmotorized trails having a natural surface tread made by grading and clearing the native soil with no added surface materials.**

Commented [MP1]: Jason V research indicates a prohibition on class 2 bikes may be in conflict with ADA since many class 2 riders have disabilities. Council was generally inclined to strike this prohibition since the class 1 and class 2 e-bikes have a 20 mph rating.

Commented [MP2]: For clarification, this will permit e-bikes on the trail in Malcolm Terrace Park, which has added surface materials.

Section Seven. It is hereby declared to be the intention of the City Council that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the City Council intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect.

Section Eight. The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered by the codification company servicing the Code of Ordinances, City of Creve Coeur, Missouri upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations, the editor may also change

other designations and numerical assignment of code sections to accommodate such changes.

Section Nine. This Ordinance shall be in full force and effect from and after its passage and approval pursuant to section 3.11(g) of the City Charter.

PASSED BY THE CITY COUNCIL OF THE CITY OF CREVE COEUR, MISSOURI, THIS ____ DAY OF _____, 2021.

Heather Silverman, Council President

APPROVED THIS ____ DAY OF _____, 2021.

Mayor Robert Hoffman

Attest:

Kelly Henke, City Clerk

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF CREVE COEUR, MISSOURI, REGARDING ELECTRIC BICYCLES AND MOTORIZED SCOOTERS.

WHEREAS, the General Assembly of the State of Missouri has enacted SB 176 (2021), which contains certain provisions governing the use and regulation of electric bicycles; and

WHEREAS, the City Council hereby determines that amending the Code of Ordinances of the City of Creve Coeur as set forth herein to regulate electric bicycles as authorized by SB 176 is in the best interests of the City; and

WHEREAS, the City Council has determined that additional regulations regarding motorized scooters are in the public interest;

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

Section One. Title II Public Health, Safety, and Welfare, Chapter 240, Parks and Recreation, Section 240.050 Dog Park Use, Subsection (C)(7) of the Code of Ordinances, City of Creve Coeur, Missouri is hereby amended by the addition of the following language (addition in bold):

C. The following are not allowed in the fenced area of the dog park:

7. Bicycles, **electric bicycles**, skateboards, roller skates or blades or any motorized vehicles, except wheelchairs.

Section Two. Title II Public Health, Safety, and Welfare, Chapter 240, Parks and Recreation, of the Code of Ordinances, City of Creve Coeur, Missouri is hereby amended by the adoption of a new Section 240.090 as follows:

Section 240.090. Bicycles and Scooters.

No person shall operate a bicycles or electric bicycles at a speed which exceeds 12 miles per hour within any City park. Motorized scooters and motorized bicycles shall not be operated within any City park.

Section Two. Title III Traffic Code, Chapter 300 General Provisions, Section 300.010 Definitions of the Code of Ordinances, City of Creve Coeur, Missouri is hereby amended by the addition of the following language (additions in bold):

ELECTRIC BICYCLE

A bicycle equipped with fully operable pedals, a saddle or seat for the rider, and an electric motor of less than 750 watts that meets the requirements of one of the following three classes:

- (a) "Class 1 electric bicycle", an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of twenty miles per hour;**
- (b) "Class 2 electric bicycle", an electric bicycle equipped with a motor that may be used exclusively to propel the bicycle and that is not capable of providing assistance when the bicycle reaches the speed of twenty miles per hour; or**
- (c) "Class 3 electric bicycle", an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of twenty-eight miles per hour**

MOTOR VEHICLE

Any self-propelled vehicle not operated exclusively upon tracks, except farm tractors, **electric bicycles**, and motorized bicycles.

MOTORIZED BICYCLE

Any two- or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty (50) cubic centimeters, which produces less than three (3) gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than thirty (30) miles per hour on level ground, **excluding electric bicycles.**

PASSENGER

Any person who travels in a motor vehicle in any manner except as a driver; and any person who travels on a bicycle **or electric bicycle** in any manner except as the operator.

VEHICLE

Any mechanical device on wheels designed primarily for use or used on highways, except motorized bicycles, **electric bicycles**, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, cotton trailers, or motorized wheelchairs operated by physically disabled persons.

Section Three. Title III Traffic Code, Chapter 315 Traffic Control Devices, Section 315.025 Red Light Violations by Motorcycles or Bicycles, Affirmative Defense, When of the Code of Ordinances, City of Creve Coeur, Missouri is hereby amended by the addition of the following language (additions in bold):

Section 315.025 Red Light Violations by Motorcycles, Bicycles, **or Electric Bicycles**, Affirmative Defense, When

- A. Any person operating a motorcycle, bicycle, **or electric bicycle**, who violates the provisions of Section 304.281 or Section 304.301, RSMo., by entering or crossing an intersection controlled by a traffic control signal against a red light shall have an affirmative defense to that charge if the person establishes all of the following conditions:
 - 1. The motorcycle, bicycle, or **electric bicycle** has been brought to a complete stop;

Section Four. Title III Traffic Code, Chapter 340 Miscellaneous Driving Rules of the Code of Ordinances, City of Creve Coeur, Missouri is hereby amended by the addition of the following language (additions in bold):

Section 340.050 Vehicle Shall Not Be Driven On A Sidewalk — Prohibition On Obstruction of Bicycle Lanes — Drivers To Yield To Bicycles **and Electric Bicycles** in Designated Bicycle Lanes.

The driver of a motor vehicle shall not drive within any sidewalk area except on a permanent or temporary driveway. A designated bicycle lane shall not be obstructed by a parked or standing motor vehicle or other stationary object. A motor vehicle may be driven in a designated

bicycle lane only for the purpose of a lawful maneuver to cross the lane or to provide for safe travel. In making an otherwise lawful maneuver that requires traveling in or crossing a designated bicycle lane, the driver of a motor vehicle shall yield to any bicycle **or electric bicycle** in the lane. As used in this Section, the term "designated bicycle lane" shall mean a portion of the roadway or highway that has been designated by the Governing Body having jurisdiction over such roadway or highway by striping with signing or striping with pavement markings for the preferential or exclusive use of bicycles.

Section 340.100 Riding Bicycles, **Electric Bicycles**, Sleds, Roller Skates By Attaching To Another Vehicle Prohibited — Pulling A Rider Behind Vehicle Prohibited.

- A. No person riding upon any bicycle, **electric bicycle**, motorized bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself/herself to any vehicle upon a roadway. Neither shall the driver of a vehicle knowingly pull a rider behind a vehicle.
- B. This Subsection shall not prohibit attaching a bicycle trailer or semi-trailer to a bicycle, **electric bicycle**, or motorized bicycle if that trailer or semi-trailer has been designed for such attachment.

Section 340.140 Manner of Operation of Motor Vehicles — Careful and Prudent.

- B. Failure To Keep A Proper Lookout. No person driving a motor vehicle shall fail to give his/her full attention to the task of driving and to keep a proper lookout through his/her windshield, side windows and the rear mirror for any vehicles, motorcycles, motor scooters, farm tractors, bicycles, **electric bicycles**, and pedestrians that he/she may be approaching or who may be approaching him/her from any direction and from any street, alley or driveway.

Section 340.165 Distance To Be Maintained When Overtaking A Bicycle **Or Electric Bicycle**.

The operator of a motor vehicle overtaking a bicycle **or electric bicycle** proceeding in the same direction on the roadway, as defined in Section 300.010, shall leave a safe distance when passing the bicycle **or electric bicycle** and shall maintain clearance until safely past the overtaken bicycle **or electric bicycle**.

Section Five. Title III Traffic Code, Chapter 365 Other Vehicle Equipment, Section 365.170.D Use of Safety Belts of the Code of Ordinances, City of Creve Coeur, Missouri is hereby amended by the addition of the following language (additions in bold):

- D. As used in this Section, the term "passenger car" means every motor vehicle designed for carrying ten (10) persons or less and used for the transportation of persons, except that the term "passenger car" shall not include motorcycles, **bicycles, electric bicycles**, and trucks with a licensed gross weight of twelve thousand (12,000) pounds or more.

Section Six. Title III Traffic Code, Chapter 370 Bicycles and Motorized Bicycles of the Code of Ordinances, City of Creve Coeur, Missouri is hereby amended by the addition and deletion of the following language (additions in bold, deletions bracketed and in bold):

Section 370.010 Bicycle, **Electric Bicycle**, and Motorized Bicycle — Defined.

As used in this Chapter, the following terms shall mean:

BICYCLE

Every vehicle propelled solely by human power upon which any person may ride, having two (2) tandem wheels, or two (2) parallel wheels and one (1) or two (2) forward or rear wheels, all of which are more than fourteen (14) inches in diameter, except **electric bicycles**, scooters, and similar devices.

ELECTRIC BICYCLE

A bicycle equipped with fully operable pedals, a saddle or seat for the rider, and an electric motor of less than 750 watts that meets the requirements of one of the following three classes:

- (a) **"Class 1 electric bicycle", an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of twenty miles per hour;**

- (b) **"Class 2 electric bicycle", an electric bicycle equipped with a motor that may be used exclusively to propel the bicycle and that is not capable of providing assistance when the bicycle reaches the speed of twenty miles per hour; or**
- (c) **"Class 3 electric bicycle", an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of twenty-eight miles per hour**

MOTORIZED BICYCLE

Any two- or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty (50) cubic centimeters, which produces less than three (3) gross brake horsepower and is capable of propelling the device at a maximum speed of not more than thirty (30) miles per hour on level ground, **except electric bicycles**. A motorized bicycle shall be considered a motor vehicle for purposes of any homeowners' or renters' insurance policy.

Section 370.020 Brakes Required.

Every bicycle, **electric bicycle**, and motorized bicycle shall be equipped with a brake or brakes which will enable its driver to stop the bicycle, **electric bicycle**, or motorized bicycle within twenty-five (25) feet from a speed of ten (10) miles per hour on dry, level, clean pavement.

Section 370.030 Lights and Reflectors — When Required — Standards To Be Met.

- A. Every bicycle, **electric bicycle**, and motorized bicycle when in use on a street or highway during the period from one-half ($\frac{1}{2}$) hour after sunset to one-half ($\frac{1}{2}$) hour before sunrise shall be equipped with the following:
 - 4. Reflective material and/or lights visible on each side of the bicycle, **electric bicycle**, or bicyclist and visible at night

under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lawful lower beams of vehicle headlights at three hundred (300) feet. The provisions of this Subsection shall not apply to motorized bicycles which comply with National Highway Traffic and Safety Administration regulations relating to reflectors on motorized bicycles.

Section 370.040 Rights and Duties of Bicycle, **Electric Bicycle**, and Motorized Bicycle Riders.

Every person riding a bicycle, **electric bicycle**, or motorized bicycle upon a street or highway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle as provided by Chapter 304, RSMo., and this Title, except as to special regulations in this Chapter, and except as to those provisions of Chapter 304, RSMo., and this Title, which by their nature can have no application.

Section 370.050 Riding To Right — Required For Bicycles, **Electric Bicycles**, and Motorized Bicycles — Mandatory Use of Bicycle Path By Bicycles **and Electric Bicycles**.

- A. Every person operating a bicycle, **electric bicycle**, or motorized bicycle at less than the posted speed or slower than the flow of traffic upon a street or highway shall ride as near to the right side of the roadway as safe, exercising due care when passing a standing vehicle or one proceeding in the same direction, except when making a left turn, when avoiding hazardous conditions, when the lane is too narrow to share with another vehicle, or when on a one-way street. Bicyclists may ride abreast when not impeding other vehicles.
- B. Whenever a usable path for bicycles **or electric bicycles** practical for sustained riding for transportation purposes has been provided adjacent to a roadway, riders shall use such path and shall not use the roadway.

Section 370.060 Bicycle **And Electric Bicycle** To Operate On The Shoulder Adjacent To Roadway, When — Roadway Defined.

- A. A person operating a bicycle **or electric bicycle** at less than the posted speed or slower than the flow of traffic upon a street or highway may operate as described in Section 370.050 of this Chapter or may operate on the shoulder adjacent to the roadway.
- B. A bicycle **or electric bicycle** operated on a roadway, or the shoulder adjacent to a roadway, shall be operated in the same direction as vehicles are required to be driven upon the roadway.

Section 370.070 Bicycle **And Electric Bicycle** Required To Give Hand or Mechanical Signals.

The operator of a bicycle **or electric bicycle** shall signal as required in Section 340.190 of this Title, except that a signal by the hand and arm need not be given continuously if the hand is needed to control or operate the bicycle **or electric bicycle**. An operator of a bicycle **or electric bicycle** intending to turn the bicycle **or electric bicycle** to the right shall signal as indicated in Section 340.190 of this Title or by extending such operator's right arm in a horizontal position so that the same may be seen in front and in rear of the vehicle.

Section 370.080 Penalty For Violation.

Any person seventeen (17) years of age or older who violates any provision of this Chapter is guilty of an ordinance violation and, upon conviction thereof, shall be punished by a fine of not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00). If any person under seventeen (17) years of age violates any provision of this Chapter in the presence of a Police Officer, said officer may impound the bicycle, **electric bicycle**, or motorized bicycle involved for a period not to exceed five (5) days upon issuance of a receipt to the child riding it or to its owner.

Section 370.110 Carrying Articles.

No person operating a bicycle, **electric bicycle**, or motorized bicycle shall carry any package, bundle or article which prevents the use of both hands in the control and operation of the bicycle, **electric bicycle**, or motorized bicycle. A person operating the bicycle, **electric bicycle**, or

motorized bicycle shall keep at least one (1) hand on the handlebars at all times.

Section 370.120 Inspecting Bicycles, **Electric Bicycles**, or Motorized Bicycles.

A uniformed City Police Officer may, at any time upon reasonable cause to believe that a bicycle, **electric bicycle**, or motorized bicycle is unsafe or not equipped as required by law or that its equipment is not in proper adjustment or repair, require the person riding the bicycle, **electric bicycle**, or motorized bicycle to stop and submit the bicycle, **electric bicycle**, or motorized bicycle to an inspection and such test with reference thereto as may be appropriate.

Section 370.130 Bicycle Helmet Required.

- A. Every person operating or being a passenger on a bicycle, **electric bicycle**, or motorized bicycle or using in-line skates, roller skates, a skateboard, a scooter, or similar wheeled device on a public roadway, public bicycle path or other public rights-of-way shall wear a bicycle helmet of good fit, fastened securely upon the head with the straps of the helmet.
- B. No person operating a bicycle, **electric bicycle**, or motorized bicycle or using in-line skates, roller skates, a skateboard, a scooter, or similar wheeled device on a public roadway, public bicycle path or other public rights-of-way shall allow anyone to ride as a passenger unless the passenger is wearing a bicycle helmet of good fit, fastened securely upon the head with the straps of the helmet, or else is in an enclosed trailer or other device properly attached to a bicycle **or electric bicycle** which meets or exceeds current nationally recognized standards of design and manufacture for the protection of the passenger's head from impacts in an accident without the need for a helmet.
- C. No parent, custodian, or legal guardian of a person age sixteen (16) and under shall knowingly permit said person to operate or be a passenger on a bicycle, **electric bicycle**, or motorized bicycle or to use in-line skates, roller skates, a skateboard, a

scooter, or similar wheeled device, without wearing a bicycle helmet of good fit, fastened securely upon the head with the straps of the helmet.

- D. No person operating a bicycle, **electric bicycle**, or motorized bicycle on a public roadway, public bicycle path or other public right-of-way shall allow anyone who is either four (4) years old or younger, weighing forty (40) pounds or less, to ride as a passenger on the bicycle, **electric bicycle**, or motorized bicycle other than in a seat which shall adequately retain the passenger in place and protect the passenger from the bicycle's, **electric bicycle's**, or motorized bicycle's moving parts.

- E. A person regularly engaged in the business of renting bicycles, **electric bicycle**, motorized bicycles, in-line skates, roller skates, skateboards, scooters, or similar wheeled devices shall require each person seeking to rent one (1) or more of these items to provide his/her signature either on the rental form or on a separate form indicating both of the following:
 - 2. A statement concerning whether the person will be an operator or passenger on the bicycle, **electric bicycle**, motorized bicycle, in-line skates, roller skates, skateboard, scooter, or similar wheeled device in an area where the use of a bicycle helmet is required.

- F. A person regularly engaged in the business of selling or renting bicycles, **electric bicycle**, motorized bicycles, in-line skates, roller skates, skateboards, scooters, or similar wheeled devices shall provide a bicycle helmet to any person who will be an operator or passenger on the bicycle, **electric bicycle**, motorized bicycle, in-line skates, roller skates, skateboard, scooter, or similar wheeled device in an area requiring a bicycle helmet, if the person does not already have a helmet in his/her possession. A reasonable fee may be charged for the bicycle helmet rental.

- I. This Section shall only apply to bicycles, **electric bicycles**, motorized bicycles, in-line skates, roller skates, skateboards, scooters, and similar wheeled devices operated on a public

roadway, public bicycle path or other public rights-of-way and not on private residential property.

Section 370.150 Bicycles, **Electric Bicycles, Motorized Scooters**, and Motorized Bicycles On Sidewalks **and Paths**.

- A. A person may not propel or operate a **bicycle, electric bicycle, motorized scooter, or** motorized bicycle on sidewalks **[or crosswalks,] except sidewalks on state highways and county roads.**
- B. A person propelling a bicycle, **electric bicycle, motorized scooter, or motorized bicycle upon and along a sidewalk or** across a roadway upon and along a crosswalk shall yield the right-of-way to any pedestrians and shall give audible signal before overtaking and passing such pedestrian **and shall otherwise have all the rights and duties applicable to pedestrians under the same circumstances.**
- C. A person shall not ride a bicycle, **electric bicycle, motorized scooter, or motorized bicycle** upon and along a sidewalk or across a roadway upon and along a crosswalk, where such use of bicycles is prohibited by official traffic control devices.
- D. **[A person propelling a bicycle upon and along a sidewalk or across a roadway upon and along a crosswalk shall have all the rights and duties applicable to a pedestrian under the same circumstances.]**
- [E.]** No person shall propel a bicycle, **electric bicycle, motorized scooter, motorized bicycle,** skateboard or operate a motorized vehicle of any type upon the fitness trail or grass area of Conway Park, except for authorized maintenance or emergency vehicles.

Section 370.160 Electric Bicycles

- A. **Except as otherwise provided in this Chapter, every person riding an electric bicycle shall be granted all of the rights**

- and shall be subject to all of the duties applicable to the operator of a bicycle, or motorized bicycle under this Code or Chapter 304, RSMo. For the purposes of the application of this Code, an electric bicycle shall be considered a vehicle to the same extent as a bicycle, or motorized bicycle.
- B. An electric bicycle or a person operating an electric bicycle is not subject to provisions of law that are applicable only to motor vehicles, all-terrain vehicles, off-road vehicles, off-highway vehicles, motor vehicle rentals, motor vehicle dealers or franchises, or motorcycle dealers or franchises, including vehicle registration, certificates of title, drivers' licenses, and financial responsibility.**
 - C. No person shall tamper with or modify an electric bicycle so as to change the motor-powered speed capability or engagement of an electric bicycle unless he or she replaces the label required under 307.194.3, RSMo. with a new label indicating the new classification. Violation of this subsection shall be punishable as an offense under Section 100.090 of this Code.**
 - D. An electric bicycle shall comply with the equipment and manufacturing requirements for bicycles adopted by the United States Consumer Product Safety Commission, 16 CFR 1512.**
 - E. An electric bicycle shall operate in a manner so that the electric motor is disengaged or ceases to function when the rider stops pedaling or when the brakes are applied.**
 - F. An electric bicycle may be ridden where bicycles are permitted to travel, including but not limited to bicycle or multi-use paths where bicycles are permitted.**
 - G. No person under sixteen years of age shall operate a class 3 electric bicycle. A person under sixteen years of age may ride as a passenger on a class 3 electric bicycle that is designed to accommodate passengers.**
 - H. All class 3 electric bicycles shall be equipped with a speedometer that is capable of displaying the speed an**

electric bicycle is traveling in miles per hour.

- I. Electric bicycles are not permitted on designated nonmotorized trails having a natural surface tread made by grading and clearing the native soil with no added surface materials.**

Section Seven. It is hereby declared to be the intention of the City Council that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section, and subsection hereof and that the City Council intends to adopt each said part, section, and subsection separately and independently of any other part, section, and subsection. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect.

Section Eight. The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered by the codification company servicing the Code of Ordinances, City of Creve Coeur, Missouri upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations, the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

Section Nine. This Ordinance shall be in full force and effect from and after its passage and approval pursuant to section 3.11(g) of the City Charter.

PASSED BY THE CITY COUNCIL OF THE CITY OF CREVE COEUR, MISSOURI, THIS _____ DAY OF _____, 2021.

Heather Silverman, Council President

APPROVED THIS _____ DAY OF _____, 2021.

Mayor Robert Hoffman

Attest:

Kelly Henke, City Clerk

BILL NO. 5994

ORDINANCE NO. _____

AN ORDINANCE AMENDING SUBSECTION 365.140.B OF THE CITY OF CREVE COEUR CODE OF ORDINANCES REGARDING EXCESSIVE VEHICLE NOISE TO SPECIFICALLY ADDRESS USE OF ENGINE BRAKES.

WHEREAS, the City strives to improve the quality of life of its residents and visitors, and

WHEREAS, the City currently restricts excessive vehicle noise and other excessive noise; and

WHEREAS, the City Council finds that the operation of an engine brake on a gasoline powered or diesel powered motor vehicle not equipped with exhaust mufflers or modified exhaust mufflers, so as to create excessive noise through the use of said engine brake, adversely effects the public health, safety, and welfare of the residents of and visitors to the City, and therefore, is a nuisance; and

WHEREAS, the City Council has determined that specific restrictions regarding engine braking and related signage are needed to emphasize the importance and applicability of excessive noise restrictions to such vehicle operations;

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

SECTION 1: Section 365.140.B of the Code of Ordinances is hereby amended to read as follows:

Section 365.140. Other Equipment of Motor Vehicles.

B. Excessive Noise - Muffler Cutouts – Engine Brakes. Muffler cutouts shall not be used and no vehicle shall be driven in such manner or condition that excessive and unnecessary noises shall be made by its machinery, motor, signaling device, or other parts, or by any improperly loaded cargo. The motors of all motor vehicles shall be fitted with properly attached mufflers of such capacity or construction as

BILL NO. 5994

ORDINANCE NO. _____

to quiet the maximum possible exhaust noise as completely as is done in modern gas engine passenger motor vehicles. Any cutout or opening in the exhaust pipe between the motor and the muffler on any motor vehicle shall be completely closed and disconnected from its operating lever and shall be so arranged that it cannot automatically open, or be opened or operated, while such vehicle is in motion. No gasoline powered or diesel powered motor vehicle shall be operated on the streets, roads or highways within the City utilizing, in said operation, compression release engine brakes which permit excessive noise to be created by said motor vehicle except during emergency driving situations requiring the utilization of such brakes to protect the safety and property of any person including but not limited to motor vehicle operators, passengers, and pedestrians. Noise exceeding 80 dB(A) shall be presumed to be excessive for purposes of this section.

SECTION 2: The City Administrator or his designee shall cause to be posted, and where necessary request the applicable agencies of the State of Missouri and St. Louis County to post, signage in appropriate locations on the streets of the City and the highways of the state and county within the City indicating that the use of unmuffled engine brakes is not permitted in the City except during emergencies. The City shall pay for the cost of such signage.

SECTION 3: This ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter.

Adopted this _____ day of _____, 2022

Heather Silverman, Council President

Approved this _____ day of _____, 2022

Dr. Robert Hoffman, Mayor

BILL NO. 5994

ORDINANCE NO. _____

Attest:

Kellie Henke
City Clerk

DRAFT

Memo to: Creve Coeur Mayor and Council, City Administrator, Chief of Police, Community Development Department

From: Carl Lumley

Re: Regulation of Engine Brakes

December 13, 2021

As directed, we have drafted an ordinance regarding excessive noise from engine brakes. The City currently prohibits excessive vehicle noise in Section 365.140.B. The Code also has noise restrictions regarding vehicles in improper condition or improperly loaded, under Section 340.270. These provisions are also cross-referenced in the section regarding public disturbance noises, Section 210.550(a)(2). The State and County have similar general restrictions. The EPA also has general requirements regarding vehicle manufacturing noise abatement standards.

The City also incorporates County land use noise restrictions in the zoning code, Section 405.550.

The attached materials from the industry attribute the noise problem of these brakes to vehicles which have not been maintained properly or which have been intentionally altered to make excessive noise.

These materials also point out that “Jake Brakes” is a trademark of Jacobs and should not be used on municipal signage.

Muffling & Engine Brakes

Focus on Muffler Equipped Vehicles

- Drivers depend on engine brakes for safe operation of their vehicles
- Driving public depend on engine brakes for safer travel with trucks
- Can't be disabled on some vehicles
 - Eaton auto-shift

Properly Muffled Vehicles

- Controls noise during acceleration as well as engine braking
- Manufacturer's original or after market replacement mufflers are within federal regulations
- Higher performance mufflers are available if greater noise suppression is required
- Proper maintenance reduces noise as well

Send the Right Message

If you must have a sign, allow the sign to create safer vehicle operation and improve safety on the roads for your community with the following:

- Allow the engine brake for public safety by requiring a proper muffling device
- Allow the truckers to utilize the safety benefits and cost effective engine retarding equipment they have come to depend upon
- Avoid Trademark infringement, use "engine brake" vs. Trademarked "Jake Brake®"

Incorrect Usage



Correct Usage



Next Steps

What is Jacobs Doing?

- Working with states and municipalities that have posted "no engine brake" signs to assist in implementing reasonable and effective noise control regulations and signs
- Regulate the causes, not the symptoms
- Support enforcement of existing noise laws
- Encourage use of proper mufflers and muffler maintenance procedures
- Recommend muffler inspection as part of current roadside commercial vehicle inspections
- Muffler identification procedures are available to inspect exhaust systems for proper configuration and condition

What Can You Do?

- Citizens can encourage local police to stop noisy vehicles and check them for muffler integrity
- If you know someone who is operating a vehicle with an excessively loud exhaust system, encourage him or her to fix it
- For examples of how municipalities have updated ordinances to reflect proper muffling requirements, visit us at www.jacobsvehiclesystems.com/about-us/environmental-health-safety/noise-concerns/
- If your community is considering an ordinance that prohibits Jake Brake or engine brake use, or you see a see an incorrect sign posted, please let us know by using our feedback form at www.jacobsvehiclesystems.com/contact-us/



Jacobs Vehicle Systems®

22 East Dudley Town Road
Bloomfield, CT USA 06002

www.jacobsvehiclesystems.com

2.c



ENGINE BRAKE NOISE

Who Is Jacobs Vehicle Systems?

With over 50 years of experience, Jacobs Vehicle Systems leads the trucking industry in worldwide engine brake solutions for heavy duty vehicles. Originally developed and patented by Clessie L. Cummins in 1957, today the Jacobs' Engine Brake is sold worldwide, and in 2013, Jacobs Vehicle Systems manufactured its 5,000,000th engine brake.

What's Inside?

- Engine Brake 101
- Noise Concerns
- Noise Regulation
- Muffling & Engine Brakes
- Next Steps

What Is an Engine Brake?

- Vehicle retarding device used on diesel-powered vehicles
- Converts a power producing engine into a power absorbing air compressor

Why Use an Engine Brake?

- Reduces the load on foundation brakes which helps prevent dangerous brake overheating and fade, keeping brakes available for emergencies
- Controls vehicle speed on downhill grades, flatlands, and in traffic
- Minimizes speed differential between cars and trucks
- Reduces wheel brake maintenance frequency, cost, and increases tire casing life
- Aids specialized vehicle control systems
 - Cruise control
 - Collision warning systems
 - Auto-shift transmission controls

What Are the Benefits of an Engine Brake?

- Reduces Social Costs: "The savings in social costs of a reduction in runaway accident damage and injury would save the U.S. between \$19,273,000 and \$37,322,500."
- Increased Productivity: "An ordinary truck operator could gain as much as \$2,400 in a year from just the increased benefit gained from a retarder."
- Reduced Brake Maintenance Cost: "If only 25% of all brake truck axles were on retarder equipped vehicles, brake savings along would amount to \$185-274 million every year."

Source: National Highway Traffic Safety Administration

Sources of Vehicle Noise

Engine Noise

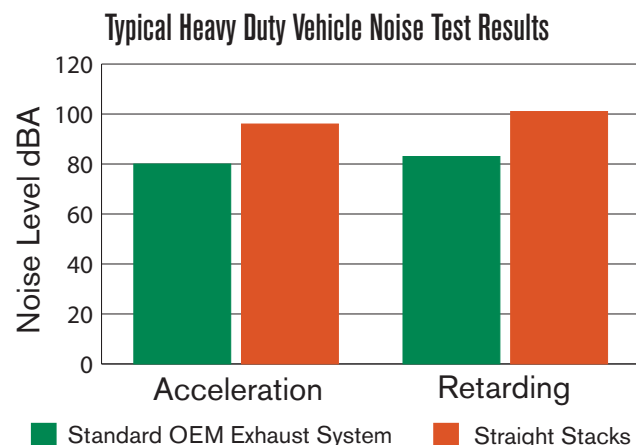
- Exhaust
- Engine Combustion
- Engine Brake
- Intake and Turbo
- Fan

Truck Noise

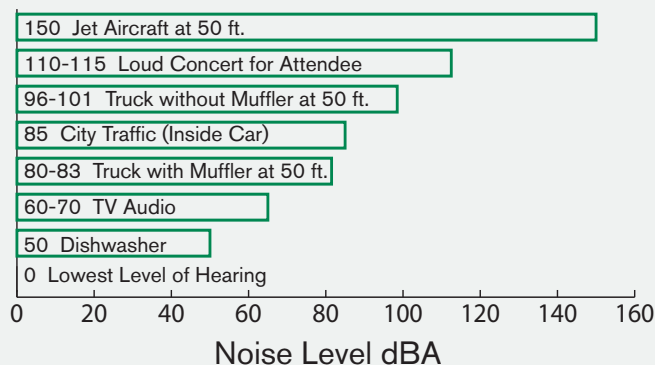
- Tire and Road
- Mechanical
- Drive Train
- Chassis
- Wind

Characteristic Engine Brake Sound

Engine brake noise is a component of exhaust noise and is controlled by a functioning muffler. While there is not a large difference between engine brake and acceleration sound levels, there is a very noticeable difference when the engine brake is not muffled.



Sound Pressure Levels - Human Perception



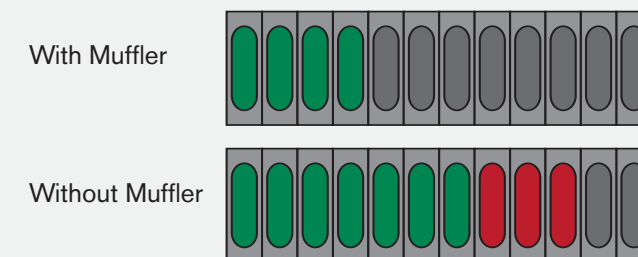
Federal Truck Noise Emission Control Regulation

EPA Regulation Title 40 CFR Part 205:

- Trucks built after January 1, 1988 must not produce sound emissions in excess of 80 dBA
- Manufacturers must communicate to the end user what constitutes as "tampering" with the vehicle noise control system
- Tampering by dealers, repair personnel, end purchasers, and operators is prohibited
- Removal of any noise control components voids certification and is unlawful
- 2007 emissions regulations requires the addition of exhaust after-treatment which has two positive effects:
 - Added components tend to reduce noise emissions in addition to exhaust emissions
 - All exhaust components are now part of emissions certification
 - Illegal to tamper, modify, or remove exhaust components
- Continual emissions regulations will further enhance exhaust after-treatments and reduce overall emissions

Engine Brake Noise Test

40 mph Drive-by Test at 50 ft. with an Engine Brake



Hear for yourself! Visit www.jacobsvehiclesystems.com/about-us/environmental-health-safety/noise-concerns/



Vehicle Noise Levels and Compression Release Engine Braking

INTRODUCTION

This document is intended to provide the reader with information about commercial vehicle noise and its relationship with compression release engine brakes. This relationship is a subject of community concern and often results in the posting of “No Engine Brake” signs along roads and highways. Data is presented illustrating the relationship between vehicle noise and the condition of the vehicle’s exhaust system. This data identifies improperly muffled vehicles as the principal cause of the vehicle noise that concerns communities. This document examines existing regulations that govern vehicle noise levels and presents suggestions for effectively addressing noise concerns at the community level. References are provided for further reading on the subjects of engine braking and vehicle noise.

COMPRESSION RELEASE ENGINE BRAKES

Compression release engine brakes (referred to hereafter as engine brakes) are the most popular type of supplemental vehicle retarder used in North America. Their function is to turn a power producing diesel engine into a power absorbing air compressor. It does this by quickly opening the exhaust valve near top dead center of the compression stroke. This causes a sudden release of compressed air from an engine cylinder into the exhaust system. This is what causes the characteristic staccato sound of an engine brake in operation. The engine brake is activated only when the driver’s foot is off of the accelerator pedal and no fuel is being injected into the cylinder.

It is well known that the stopping power available from a vehicle’s service (or wheel) brakes decreases significantly as the brake lining temperature increases. One of the uses of engine brakes on commercial vehicles is to help control vehicle speed on long downgrades. Minimizing the use of the vehicle’s service brakes virtually eliminates the likelihood of overheating the brakes and thus helps to avoid dangerous brake fade. Reduced usage of the service brakes on engine brake equipped vehicles also leads to lower maintenance costs through reduced brake lining wear. Vehicles equipped with engine brakes are more efficient and productive to operate. Enhanced driver control and a reduced risk of brake fade also means safer interaction between all of the vehicles operating on public roadways. The overall result of engine brake usage is of significant value to the trucking industry and to the general public as well.

The need for equipping commercial vehicles with engine brakes is greater today than ever before. Vehicle weight and speed limits have been increasing. At the same time the vehicle’s natural retarding power has decreased due to reductions in aerodynamic drag and rolling resistance. These improvements are beneficial in terms of vehicle fuel consumption and operating cost. However, they require that more work be done by the service brakes to maintain speeds on long down grades or slow the vehicle. The increased load being placed on vehicle service brakes led to the issuance of an industry practice recommending the use of supplemental retarders [7]. In addition to supplementing the vehicle’s service brakes, engine brakes are also being integrated into other vehicle functions such as cruise control, automatically shifted manual transmissions, and the newly introduced collision avoidance systems. These factors are why the majority of heavy-duty vehicles produced in North America today are equipped with engine brakes when delivered from the vehicle manufacturer.

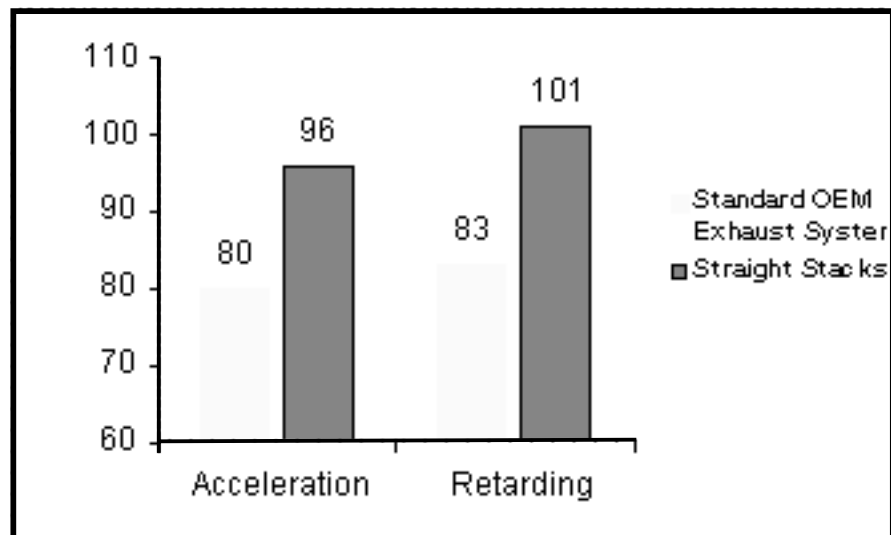
ABOUT NOISE

Residents near steep downgrades, highway exits and curves in some communities in North America have expressed concerns about commercial vehicle noise. These concerns frequently identify engine brakes, due to their characteristic sound, as the cause of the objectionable noise. Signs prohibiting engine brake usage have been posted in some communities. The trucking industry is sensitive to these concerns and has studied the issue with regard to both new and in use trucks.

Truck, engine and equipment manufacturer studies have consistently found that improperly muffled vehicles are the root cause of this noise issue. Vehicle operating sound levels have been shown repeatedly to be much higher for vehicles with improper, defective or deteriorated mufflers. The problem is most pronounced on vehicles equipped with “straight stack” exhaust systems (i.e., no muffler). Studies have found that the sound level from “straight stacks” is 16 to 22 dB(A) higher than from original equipment mufflers [1]. Studies have also shown that the operation of an engine brake produces sound levels that are similar to those produced during acceleration on properly muffled vehicles [2].

Figure 1 shows total vehicle sound level data for a typical heavy-duty diesel powered vehicle. Sound levels are measured in ‘A’ weighted decibels or dB(A). This is a logarithmic scale weighted to the sensitivity of human hearing. Each doubling of a sound source will increase the sound level by 3 dB(A). An 18 dB(A) increase corresponds to a 64 fold increase in the sound source. Additional information on other vehicle/engine combinations is presented in Society of Automotive Engineers (SAE) papers [1] and [2].

Figure1. Typical Heavy-Duty Vehicle Results



Improper, defective or deteriorated mufflers will increase vehicle sound levels over those of properly maintained exhaust systems. The magnitude of the increase though is not as large as that for “straight stacks”. A question that can be asked is how prevalent are improperly muffled exhaust systems on commercial vehicles? One survey observed a moderate traffic volume consisting of about 300 trucks per hour traveling on a stretch of Indiana highway. It found 5.3 percent of the trucks did not have a functioning muffler; in fact, 2.4 percent of the vehicles inspected were operating with “straight stacks” installed [1].

From this data one can conclude that residents living near that stretch of highway were on average exposed to 16 vehicles per hour with improperly muffled exhaust systems. These vehicles would be operating beyond acceptable noise levels during acceleration as well as retarding. Overall, this information supports the position that the root cause of objectionable vehicle noise is improperly muffled vehicles.

ABOUT THE LAW

All new vehicles must comply with EPA noise regulations. The maximum permitted noise level was set to 83 dB(A) in 1979 and later reduced to 80 dB(A) in 1988. The overall design and manufacture of heavy-duty trucks, including their exhaust systems, results in all new vehicles meeting the applicable regulations when they leave their manufacturer's factory.

The EPA regulations prohibit "The removal or rendering inoperative by any person, other than for purposes of maintenance, repair, or replacement, of any device or element of design incorporated into any new vehicle for the purpose of noise control prior to its sale or delivery to the ultimate purchaser or while it is in use". The EPA regulations also prohibit the use of a vehicle that has had the noise control system rendered inoperative. This is stated clearly on a label required on all vehicles sold in the U.S. and is fully explained in the operator's manual for every new truck [3]. The improperly muffled vehicles, especially those with straight stacks, are not operating in compliance with current federal regulations.

Most states have adopted motor vehicle regulations that address the configuration and condition of vehicles operated on their roads and highways. These regulations typically require that a vehicle be equipped with a proper exhaust system and a muffler. "Straight stacks" are not in compliance with either the federal or the state regulations.

WHAT CAN BE DONE

The current federal and state regulations addressing exhaust system configuration and maintenance are not always aggressively enforced. This has led communities to adopt ordinances of their own and post signs prohibiting engine brake usage. Prohibiting engine brake use attempts to solve the problem without addressing the real cause. Any action taken should address the small percentage of vehicles with improperly muffled exhaust systems that are at the root of the problem.

The most direct solution is to visually inspect vehicles for the presence of a muffler. This type of inspection is relatively simple to implement once some basic definitions of what constitutes a muffler are established. The inspection could be done as part of current roadside inspections with minimal additional training and effort. This action would address the root cause of the community problem and would eliminate the most severe noise offenders. This type of inspection would be the simplest way to start addressing the noise problem.

The drawback to a simple inspection is that it may not catch all offenders. Improper, defective or deteriorated mufflers that appear intact from the outside may be missed. Detecting these cases requires a roadside noise test. The EPA sets forth procedures in its regulations based on the SAE J366 Recommended Practice [4]. The International Standards Organization (ISO) also has procedures for driveby testing, described in ISO 362 [5]. A stationary test could be used to detect vehicles that are noise offenders [6]. However, active noise tests for inspection purposes are complicated by various vehicle and muffler configurations, and require calibrated noise-testing equipment and trained operators. Therefore visual inspection for the presence of mufflers is the simplest and most immediate way to address commercial vehicle noise.

If a community determines that a sign is still required, wording similar to the following examples is suggested. Signs under Oregon State Vehicle Code Section 811.492 read: Unmuffled Engine Brake Use Prohibited Except In Emergencies. Signs under Minnesota Traffic Regulations Section 169.69 read: Vehicle Noise Laws Enforced. Both address the root cause of the problem, do not adversely effect properly maintained vehicles and acknowledge the positive impact of engine brakes on operating safety.

CONCLUSIONS

Enforcement of current muffler regulations is the most direct way to address the noise issue. It will have benefits to the trucking industry as well as to the public. Installing the mufflers required by federal and most state motor vehicle regulations on vehicles that are operated without a muffler will reduce noise levels by 16 to 22 dB(A). This does not necessitate anything more than proper maintenance using original equipment mufflers or replacement systems that are equivalent to those provided by the vehicle manufacturer. Signs prohibiting engine brake usage should be eliminated. This is especially true since most heavy-duty vehicles are properly muffled and do not cause offensive noise when operating their engine brakes.

The benefits to the public are two-fold. First, proper mufflers effectively control objectionable noise during all modes of vehicle operation, not just retarding. This means that objectionable noise is controlled in congested city streets, stop and go traffic, climbing hills, as well as in retarding situations. The second public benefit comes indirectly in the goods we all use that are moved by truck. The improved effectiveness of trucks in terms of operating economy, reduced trip times and improved operating safety will be reflected in the cost of the goods they transport. Truckers will be free to utilize their engine brakes and realize the economic and operating benefits they were purchased to provide. The result will be more efficient transportation, safer vehicles and safer highways.

The benefits to properly muffling trucks and allowing engine brake usage to the trucking industry are also compelling. Drivers will benefit by being exposed to less on-the-job noise. Vehicle operating safety and productivity will be improved. Controlling the noise level of vehicles by installing proper mufflers will also serve to improve the overall image of the trucking industry.

REFERENCES:

1. Reinhart, Thomas E., "U.S. Vehicle Noise Regulations and the Effects of Vehicle Condition", SAE Paper 912709, Society of Automotive Engineers, Inc., 1991.
2. Reinhart, Thomas E. and Wahl, Thomas J., "Reducing Compression Brake Noise", SAE Paper 971870, Society of Automotive Engineers, Inc., 1997.
3. Environmental Protection Agency, "Noise Emission Standards for Transportation Equipment", Title 40, Code of Federal Regulations, Chapter 1, Part 205, Subpart B - Medium and Heavy Trucks.
4. Society of Automotive Engineers Recommended Practice J366, Sound Level for Heavy Trucks and Buses.
5. ISO 362 - Acoustics - Measurement of Noise Emitted by Accelerating Road Vehicles - Engineering Method.
6. Wahl, Thomas J. and Reinhart, Thomas E., "Developing a Test Procedure for Compression Brake Noise", SAE Paper 972038, Society of Automotive Engineers, Inc., 1997.
7. "RP 636 - Specifying Auxiliary Retarders", 1998-1999 Recommended Engineering Practices Manual, The Maintenance Council - American Trucking Associations, Inc., 1998.

EXHIBIT ONE

CCO Form: FS08
 Approved: 03/04 (BDG)
 Revised: 03/17 (MWH)
 Modified: 11/21 (MWH)

Route 67, St. Louis County
 Project No. J6S3521/STP-5526(649)
 City of Creve Coeur
 Agreement No. 2021-06-64147

MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION COST SHARE AGREEMENT FIRST SUPPLEMENTAL AGREEMENT

THIS FIRST SUPPLEMENTAL AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and the City of Creve Coeur (hereinafter, "Entity").

WITNESSETH:

WHEREAS, the Entity applied to the Commission's Cost Share Committee for participation in the Commission's *Cost Share Program*; and

WHEREAS, on September 26, 2019 the Cost Share Committee approved the Entity's application to the *Commission's Cost Share Program (Commission Cost Share)*; and

WHEREAS, the Entity applied for and was allocated federal Surface Transportation Block Grant (**STBG**) funds by the East West Gateway Council of Governments (**EWG**), with such federal-aid to be administered by the Commission; and

WHEREAS, on December 23, 2020, the Commission and the Entity entered into a Cost Share Agreement (hereinafter, "Original Agreement") (Agreement No. 2019-10-53846) to provide for the terms of the Commission's contribution to the Entity's project for the improvements on Routes 67 and Old Olive Street.

WHEREAS, pursuant to Section 4.430 of Truly Agreed to and Finally Passed House Bill 4 (hereinafter, "TAFP HB 4 2019") from the 2019 legislative session, the Missouri General Assembly (**GA**) appropriated Fifty Million dollars (\$50,000,000) in general revenue funds to the Commission to be expended for road and bridge projects under the *Governor's Transportation Cost Share Program (Program)*; and

WHEREAS, pursuant to Section 4.435 of Truly Agreed to and Finally Passed House Bill 2004 (hereinafter, "TAFP HB 2004") from the 2020 legislative session, the Missouri GA re-appropriated thereby reducing the funds to Twenty-five Million dollars (\$25,000,000) in general revenue funds to the Commission to be expended for road and bridge projects under the *Governor's Transportation Cost Share Program*; and

WHEREAS, pursuant to the January 6, 2021 Commission meeting, the Commission to set aside Twenty-five million dollars (\$25,000,000) of state road funds to be expended for road and bridge projects under the *Governor's Transportation Cost*

Share Program; and

WHEREAS, the Entity applied to the Commission for participation in the *Governor's Transportation Cost Share Program; and*

WHEREAS, on July 8, 2020, the Commission approved the Entity's application to the *Governor's Transportation Cost Share Program* subject to the terms and conditions of this Agreement; and

WHEREAS, the Commission will administer the Program funds to the Entity with the understanding that such funds will be used for the purpose of funding road and bridge improvement projects, as further described within TAFP HB 4 2019 and TAFP HB 2004 and within this Agreement.

WHEREAS, the Commission and the Entity now desire to revise the terms and conditions of the Original Agreement as provided for in this Supplemental # 1.

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations in this Supplemental #1 , the parties agree as follows:

(1) REVISION: Paragraph (2) LOCATION of the Original Agreement is hereby removed and replaced with the following Paragraph (2) including subparagraphs (2)(A) through (2)(D):

(A) Commission Cost Share Eligible: Addition of a traffic signal and intersection widening on Route 67 at Old Olive Street Road and construct sidewalks and a multi-use trail along Old Olive. The scope of Commission Cost Share work extends approximately 258 feet west to 250 feet east of the Route 67/Lindbergh centerline at what is anticipated to remain state right of way on Old Olive Street Road.

(B) Governor's Cost Share and Surface Transportation Block Grant (STBG) Eligible: Addition of a traffic signal and intersection widening on Route 67 at Old Olive Street Road and construct sidewalks and a multi-use trail along Old Olive. The scope of Governor's Cost Share and STBG work extends approximately 408 feet west to 500 feet east of the Route 67/Lindbergh centerline on Old Olive Street Road.

(C) The project limits for the Commission Cost Share work are wholly within the Governor's Cost Share and STBG limits. The project limits for the Governor's Cost Share and STBG work include adjacent improvements that are not included within the Commission Cost Share project limits.

(D) The general location of the project is shown on attachment marked "Exhibit A" and incorporated herein by reference. Exhibit A attached to the Original Agreement is hereby removed and replaced with the Exhibit A attached hereto.

(2) REVISION: Paragraph (9) FINANCIAL RESPONSIBILITIES including

subparagraphs (9)(A) through (9)(E) of the Original Agreement are hereby removed and replaced with the following Paragraph (9) including subparagraphs (9)(A) through (9)(L):

(9) FINANCIAL RESPONSIBILITIES: With regard to work under this Agreement, the Entity agrees as follows:

(A) The estimated total cost of the Project is two million five hundred ninety-five thousand five hundred dollars (\$2,595,500). The total project cost will include preliminary engineering, preliminary engineering review, right of way acquisition, right of way incidentals, right of way review, utilities, construction, construction engineering and construction engineering review. The details of the estimated costs breakdown are listed below and in "Exhibit B", which is attached and made part hereof. Exhibit B attached to the Original Agreement is hereby removed and replaced with the Exhibit B attached hereto.

(B) The Commission Cost Share funding will be split with the Commission responsible for fifty percent (50%) and the Entity shall be responsible for fifty percent (50%) of the total Commission Cost Share eligible project costs. The Commission will pay the maximum amount of and not to exceed one million twenty thousand two hundred fifty dollars (\$1,020,250) of the Commission Cost Share eligible costs. Of this amount, the Commission will provide one million five thousand two hundred fifty dollars (\$1,005,250) from the Commission's Cost Share program with one hundred thirty five thousand two hundred dollars (\$135,200) available in State Fiscal Year 2021 and eight hundred seventy thousand fifty dollars (\$870,050) available in State Fiscal Year 2024 and preliminary engineering review, right of way review and construction engineering review services by MoDOT District personnel estimated to total fifteen thousand dollars (\$15,000).

(C) The Governor's Transportation Cost Share Program share of the construction contract cost will not exceed thirty seven percent (37%) of the total construction cost, up to and not to exceed five hundred seventy five thousand dollars (\$575,000) including both the Commission Cost Share eligible and the Commission ineligible Cost Share project costs.

(D) The Entity agrees that the Commission may obligate eighty percent (80%) for all phases of the project except for preliminary engineering and preliminary review up to one million one hundred sixty-four thousand and two hundred dollars (\$1,164,200) of STBG funds allocated by East West Gateway Council of Governments (EWG). Two hundred twenty-nine thousand eight hundred and forty dollars (\$229,840) is available in federal fiscal year 2023 and nine hundred thirty-four thousand three hundred and sixty dollars (\$934,360) is available in federal fiscal year 2024. The STBG funds may be accelerated upon approval of EWG.

(E) The Entity shall provide cash to the Commission for fifty percent (50%) of the Entity's costs for the Commission Cost Share costs for the preliminary engineering and preliminary engineering review. The Entity shall provide

cash to the Commission for one-hundred percent (100%) of the Entity's costs for the Commission Cost Share ineligible costs for the preliminary engineering and preliminary review and the Entity shall provide cash to the Commission for the Entity's required twenty-percent (20%) match for the STBG funds.

(F) The Entity shall be responsible for the balance of the project in excess of two million five hundred ninety five thousand five hundred dollars (\$2,595,500). The Entity shall be responsible for all costs of any work off the state highway system. Underruns will be based on the pro rata share.

(G) The Entity may invoice the Commission monthly after the costs are incurred.

(H) The request for reimbursement must include a construction progress summary that includes an estimated percent complete, list of major items of work completed during the pay period and status of schedule.

(I) Within ninety (90) days of final inspection of the project funded under this Program, the Entity shall provide to the Commission a final payment request and all financial performance and other reports as required by this Agreement.

(J) If the Commission determines that the Entity was overpaid, the amount of overpayment shall be remitted to the Commission.

(K) Reimbursement requests must be submitted by May 31st of the Program Time Period to ensure reimbursement.

(L) A detailed funding percentage (%) split is listed below:

Preliminary Engineering:

Commission Cost Share Eligible:

Commission – 50%

Entity – 50%

Commission Cost Share Ineligible:

Entity – 100%

Preliminary Engineering Review:

Commission Cost Share Eligible:

Commission – 50%

Entity – 50%

Commission Cost Share Ineligible:

Entity – 100%

Right of Way Acquisition:

Commission Cost Share Eligible:

Commission – 50%

Entity – 50% (80% STBG funds/20% Entity Match)
 Commission Cost Share Ineligible:
 Entity – 100% (80% STBG funds/20% Entity Match)

Right of Way Incidentals:

Commission Cost Share Eligible:
 Commission – 50%
 Entity – 50% (80% STBG funds/20% Entity Match)
 Commission Cost Share Ineligible:
 Entity – 100% (80% STBG funds/20% Entity Match)

Right of Way Review:

Commission Cost Share Eligible:
 Commission – 50%
 Entity – 50% (80% STBG funds/20% Entity Match)
 Commission Cost Share Ineligible:
 Entity – 100% (80% STBG funds/20% Entity Match)

Utilities:

Commission Cost Share Eligible:
 Commission – 50%
 Entity – 50% (80% STBG funds/20% Entity Match)
 Commission Cost Share Ineligible:
 Entity – 100% (80% STBG funds/20% Entity Match)

Construction:

Commission Cost Share Eligible:
 Governor's Cost Share: 37% (use first; total
 Governor's Cost Share shall not exceed
 \$575,000)
 Commission – 50% (remaining split of construction)
 Entity – 50% (remaining split of construction) (80%
 STBG funds/20% Entity Match)
 Commission Cost Share Ineligible:
 Governor's Cost Share: 37% (use first; total
 Governor's Cost Share shall not exceed
 \$575,000)
 Entity – 100% (remaining split of construction)
 (80% STBG funds/20% Entity Match)

Construction Engineering:

Commission Cost Share Eligible:
 Commission – 50%
 Entity – 50% (80% STBG funds/20% Entity Match)
 Commission Cost Share Ineligible:
 Entity – 100% (80% STBG funds/20% Entity Match)

Construction Engineering Review:

Commission Cost Share Eligible:

Commission – 50%

Entity – 50% (80% STBG funds/20% Entity Match)

Commission Cost Share Ineligible:

Entity –100% (80% STBG funds/20% Entity Match)

(3) ADDITION: Paragraph (24) EXPENDITURE OF PROGRAM FUNDS is added to the Original Agreement and hereby states as follows:

(24) EXPENDITURE OF PROGRAM FUNDS: All funds not expended by the Entity at the end of the Program Time Period within this Agreement may be redistributed to another Applicant at the discretion of the Commission.

(4) ADDITION: Paragraph (25) WITHDRAWAL OF PROGRAM OFFER is added to the Original Agreement and hereby states as follows:

(25) WITHDRAWAL OF PROGRAM OFFER: The Commission reserves the right to amend or withdraw this Program offer at any time prior to acceptance by the Entity.

(5) ADDITION: Paragraph (26) AMOUNT OF PROGRAM is added to the Original Agreement and hereby states as follows:

(26) AMOUNT OF PROGRAM: The total amount of this Program, as provided within Section 4.430 of TAFP HB 4 2019, Section 4.435 of TAFP HB 2004, and the January 6, 2021 Commission meeting, is Fifty Million dollars (\$50,000,000). The parties to this Agreement agree that the Commission will administer funds from the Program in an amount not to exceed Fifty Million dollars (\$50,000,000). These funds made available from the Commission to the Entity are subject to appropriations made by the GA and gubernatorial release of such funds appropriated to the Commission. In the event state funds appropriated within Section 4.430 of TAFP HB 4 2019 and/or Section 4.435 of TAFP HB 2004 are reduced so that the Commission is incapable of completely satisfying its obligations to the Entity, the Commission may recompute and reduce this Program. The designation of this program does not create a lump sum quantity contract, but rather only represents the amount of funding available for eligible expenses. In no event will the Commission reimburse the Entity for improvements or work that are not actually performed. The release of all funding under this Agreement is subject to review and approval of all project expenses to ensure that they are qualifying expenses. These funds are for construction contract costs only. Preliminary engineering, environmental services, right-of-way services and acquisitions, utilities, construction inspection and other costs shall not receive the funds from HB 4 Section 4.430 or HB 2004 Section 4.435. The Entity shall be solely responsible for all ineligible costs.

(6) ADDITION: Paragraph (27) REQUEST FOR RE-APPROPRIATION OF FUNDS AND EXTENSION OF TIME FOR COMPLETION OF PROJECT is added to the Original Agreement and hereby states as follows:

(27) REQUEST FOR RE-APPROPRIATION OF FUNDS AND EXTENSION OF TIME FOR COMPLETION OF PROJECT: It is anticipated the Twenty-Five Million dollars (\$25,000,000) provided within Section 4.435 of TAFP HB 2004 will not be fully expended by June 30, 2022. Therefore, the Commission will request for the re-appropriation and extension of time. If the re-appropriation is not approved, the Entity is responsible for completing construction of the project at the Entity's expense.

(7) ADDITION: Paragraph (28) PROGRAM TIME PERIOD is added to the Original Agreement and hereby states as follows:

(28) PROGRAM TIME PERIOD: This Agreement provides funding for expenditures for the *Governor's Transportation Cost Share Program* projects to the Entity for State Fiscal Year (SFY) 2022 (July 1, 2021 to June 30, 2022). In the event the funds are re-appropriated by the GA into another SFY, the Program Time Period will automatically be adjusted to reflect the new SFY.

(8) ADDITION: Paragraph (29) AUDIT REQUIREMENT is added to the Original Agreement and hereby states as follows:

(29) AUDIT REQUIREMENT: If the Entity expends seven hundred fifty thousand dollars (\$750,000) or more in a year in federal financial assistance it is required to have an independent annual audit conducted in accordance with 2 CFR Part 200. A copy of the audit report shall be submitted to MoDOT within the earlier of thirty (30) days after receipt of the auditor's report(s), or nine (9) months after the end of the audit period. Subject to the requirements of 2 CFR Part 200, if the Entity expends less than seven hundred fifty thousand dollars (\$750,000) a year, the Entity may be exempt from auditing requirements for that year but records must be available for review or audit by applicable state and federal authorities.

(9) ADDITION: Paragraph (30) NOTICE TO PROCEED including subparagraphs (30(A)-(30(B)) are added to the Original Agreement and hereby state as follows:

(30) NOTICE TO PROCEED: After the Commission receives copies of the executed construction contract between the Entity and the contractor, the performance and payment bonds, and any other documentation as required by this Agreement, the Commission will authorize the Entity to issue a notice to proceed with construction.

(A) The Entity shall issue a notice to the contractor within ten (10) days of authorization by the Commission, unless otherwise approved by the Commission.

(B) Any construction work performed prior to the Commission's issuance of a Notice to Proceed shall not be eligible for funding participation and shall be the sole responsibility of the Entity.

(10) ADDITION: Paragraph (31) CONSTRUCTION PROGRESS AND INSPECTION REPORTS is added to the Original Agreement and hereby states as follows:

(31) CONSTRUCTION PROGRESS AND INSPECTION REPORTS: The Entity shall provide and maintain adequate, competent and qualified engineering supervision and construction inspection at the project site during all stages of the work to ensure that the completed work conforms with the project plans and specifications. Project oversight by other personnel does not relieve the Entity of this responsibility.

(11) ADDITION: Paragraph (32) RECORD DRAWINGS is added to the Original Agreement and hereby states as follows:

(32) RECORD DRAWINGS: The Entity shall provide one (1) electronic set of as-built construction drawings on a compact disc in .pdf format copied to a single file (each sheet must be sealed, signed, and dated by the engineer) to the Commission within sixty (60) days upon project completion.

(12) ADDITION: Paragraph (33) PROMPT PAYMENT is added to the Original Agreement and hereby states as follows:

(33) PROMPT PAYMENT: The Commission and the Entity require all contractors to pay all subcontractors and suppliers for satisfactory performance of services in compliance with section 34.057 RSMo, Missouri's prompt payment statute. Pursuant to section 34.057 RSMo, the Commission and the Entity also require the prompt return of all retainage held on all subcontractors after the subcontractors' work is satisfactorily completed, as determined by the Entity and the Commission.

(13) ADDITION: Paragraph (34) NONDISCRIMINATION ASSURANCE including subparagraphs (34)(A)-(34)(G) are added to the Original Agreement and hereby state as follows:

(34) NONDISCRIMINATION ASSURANCE: With regard to work under this Agreement, the agrees as follows:

(A) Civil Rights Statutes: The Entity shall comply with all state and federal statutes relating to nondiscrimination, including but not limited to Title VI and Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. §2000d and §2000e, et seq.), as well as any applicable titles of the "Americans with Disabilities Act" (42 U.S.C. §12101, et seq.). In addition, if the Entity is providing services or operating programs on

behalf of the Department or the Commission, it shall comply with all applicable provisions of Title II of the "Americans with Disabilities Act".

(B) Administrative Rules: The Entity shall comply with the administrative rules of the United States Department of Transportation relative to nondiscrimination in federally-assisted programs of the United States Department of Transportation (49 C.F.R. Part 21) which are herein incorporated by reference and made part of this Agreement.

(C) Nondiscrimination: The Entity shall not discriminate on grounds of the race, color, religion, sex, disability, national origin, age or ancestry of any individual in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Entity shall not participate either directly or indirectly in the discrimination prohibited by 49 C.F.R. §21.5, including employment practices.

(D) Solicitations for Subcontracts, Including Procurements of Material and Equipment: These assurances concerning nondiscrimination also apply to subcontractors and suppliers of the Entity. These apply to all solicitations either by competitive bidding or negotiation made by the Entity for work to be performed under a subcontract including procurement of materials or equipment. Each potential subcontractor or supplier shall be notified by the Entity of the requirements of this Agreement relative to nondiscrimination on grounds of the race, color, religion, sex, disability or national origin, age or ancestry of any individual.

(E) Information and Reports: The Entity shall provide all information and reports required by this Agreement, or orders and instructions issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Commission or the United States Department of Transportation to be necessary to ascertain compliance with other contracts, orders and instructions. Where any information required of the Entity is in the exclusive possession of another who fails or refuses to furnish this information, the Entity shall so certify to the Commission or the United States Department of Transportation as appropriate and shall set forth what efforts it has made to obtain the information.

(F) Sanctions for Noncompliance: In the event the Entity fails to comply with the nondiscrimination provisions of this Agreement, the Commission shall impose such contract sanctions as it or the United States Department of Transportation may determine to be appropriate, including but not limited to:

1. Withholding of payments under this Agreement until the Entity complies; and/or
2. Cancellation, termination or suspension of this Agreement, in whole or in part, or both.

(G) Incorporation of Provisions: The Entity shall include the provisions of paragraph (34) of this Agreement in every subcontract, including procurements of materials and leases of equipment, unless exempted by the statutes, executive order, administrative rules or instructions issued by the Commission or the United States Department of Transportation. The Entity will take such action with respect to any subcontract or procurement as the Commission or the United States Department of Transportation may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided that in the event the Entity becomes involved or is threatened with litigation with a subcontractor or supplier as a result of such direction, the Entity may request the United States to enter into such litigation to protect the interests of the United States.

(14) ADDITION: Paragraph (35) PROJECT SCHEDULE is added to the Original Agreement and hereby states as follows:

(35) PROJECT SCHEDULE: A project schedule shall be included as Exhibit C. Any lack of progress which significantly endangers substantial performance of the project within the specified time shall be deemed a violation of the terms of this Agreement. The determination of lack of progress shall be solely within the discretion of the Commission. The Commission shall notify the Entity in writing once such a determination is made.

(15) ADDITION: Paragraph (36) CONFIDENTIALITY is added to the Original Agreement and hereby states as follows:

(36) CONFIDENTIALITY: The Entity shall not disclose to third parties confidential factual matters provided by the Commission except as may be required by statute, ordinance or order of court, or as authorized by the Commission. The Entity shall notify the Commission immediately of any request for such information.

(16) ADDITION: Paragraph (37) NONSOLICITATION is added to the Original Agreement and hereby states as follows:

(37) NONSOLICITATION: The Entity warrants that it has not employed or retained any company or person, other than a bona fide employee working for the Entity, to solicit or secure this Agreement, and that it has not paid or agreed to pay any company or person, other than a bona fide employee, any fee, commission, percentage, brokerage fee, gift or any other consideration, contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, the Commission shall have the right to annul this Agreement without liability, or in its discretion, to deduct from this Agreement price or consideration, or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gift or contingent fee.

(17) ADDITION: Paragraph (38) DISPUTES is added to the Original Agreement and hereby states as follows:

(38) DISPUTES: Any disputes that arise under this Agreement shall be resolved jointly by the Commission and the Entity.

(18) ADDITION: Paragraph (39) NOTIFICATION OF CHANGE is added to the Original Agreement and hereby states as follows:

(39) NOTIFICATION OF CHANGE: The Entity shall immediately notify the Commission of any change in conditions or law which may significantly affect its ability to perform the project in accordance with the provisions of this Agreement.

(19) ADDITION: Paragraph (40) ASSIGNMENT is added to the Original Agreement and hereby states as follows:

(40) ASSIGNMENT: The Entity shall not assign, transfer or delegate any interest in this Agreement without the prior written consent of the Commission.

(20) ADDITION: Paragraph (41) BANKRUPTCY is added to the Original Agreement and hereby states as follows:

(41) BANKRUPTCY: Upon filing for any bankruptcy or insolvency proceeding by or against the Entity, whether voluntarily, or upon the appointment of a receiver, trustee, or assignee, for the benefit of creditors, the Commission reserves the right and sole discretion to either cancel this Agreement or affirm this Agreement and hold the Entity responsible for damages.

(21) ADDITION: Paragraph (42) OUTDOOR ADVERTISING is added to the Original Agreement and hereby states as follows:

(42) OUTDOOR ADVERTISING: The Entity further agrees that the right-of-way provided for any improvement will be held and maintained inviolate for public highway or street purposes, and will enact and enforce any ordinances or regulations necessary to prohibit the presence of billboards or other advertising signs or devices and the vending or sale of merchandise on such right-of-way, and will remove or cause to be removed from such right-of-way any sign, private installation of any nature, or any privately owned object or thing which may interfere with the free flow of traffic or impair the full use and safety of the highway or street.

(22) ADDITION: Paragraph (43) FEDERAL-AID PROVISIONS is added to the Original Agreement and hereby states as follows:

(43) FEDERAL-AID PROVISIONS: Because responsibility for the performance of all functions or work contemplated as part of this project is assumed by the Entity, and the Entity may elect to construct part of the improvement contemplated by this Agreement with its own forces, a copy of Section II and Section III, as contained in

the United States Department of Transportation Form Federal Highway Administration (FHWA) 1273 "Required Contract Provisions, Federal-Aid Construction Contracts," is attached and made a part of this Agreement as Exhibit D. Wherever the term "the contractor" or words of similar import appear in these sections, the term "the Entity" is to be substituted. The Entity agrees to abide by and carry out the condition and obligations of "the contractor" as stated in Section II, Equal Opportunity, and Section III, Nonsegregated Facilities, as set out in Form FHWA 1273.

(23) ORIGINAL AGREEMENT: Except as otherwise modified, amended, or supplemented by this First Supplemental Agreement, the Original Agreement between the parties shall remain in full force and effect and apply to this First Supplement Agreement as if fully written in this First Supplemental Agreement.

*Remainder of Page Intentionally Left Blank; Signatures and Execution Appear on
Following Page*

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below.

Executed by the Entity on _____(DATE).

Executed by the Commission on _____(DATE).

MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION

CITY OF CREVE COEUR, MISSOURI

By _____

Title: _____

Title: _____

ATTEST:

ATTEST:

Secretary to the Commission

By _____

Title: _____

Approved as to Form:

Approved as to Form:

Commission Counsel

Title: _____

Ordinance No.: _____

Exhibit A

Limits of the Commission Cost Share Project



Limits of the Governor's Cost Share/STBG Project



Exhibit B

Project Name: Route 67 and Old Olive Street Road Intersection

MoDOT Project Number: J6S3521

Description: Route 67 and Old Olive Street Road

Total Project Cost Estimate: \$2,595,500

Local Entity: City of Creve Coeur

	Current Estimate	Commission Cost Share Eligible	Remaining Project Cost (Commission Cost Share Ineligible)
Preliminary Engineering	\$219,650	\$190,000	\$29,650
Preliminary Engineering Review (MoDOT)	\$5,000	\$3,900	\$1,100
Right of Way Acquisition (including easements)	\$320,000	\$60,400	\$259,600
Right of Way Incidentals	\$20,000	\$15,600	\$4,400
Right of Way Review (MoDOT)	\$5,000	\$3,900	\$1,100
Utilities	\$145,500	\$142,500	\$3,000
Construction	\$1,700,900	\$1,430,600	\$270,300
Construction Engineering	\$174,450	\$167,000	\$7,450
Construction Engineering Review (MoDOT)	\$5,000	\$3,900	\$1,100
Total	\$2,595,500	\$2,017,800	\$577,700
	100%	78%	22%

Financial Responsibilities:

	Available Funding	Commission Cost Share Eligible	Remaining Project Cost (Commission Cost Share Ineligible)
Commission Cost Share (maximum not to exceed)	\$1,005,250	PE, R/W Acquisition, R/W Incidentals, Utilities, Construction and CE	None
MoDOT Internal Budget	\$15,000	PE Review, R/W Review, and CE Review	PE Review, R/W Review, and CE Review
Governor Cost Share (maximum not to exceed)	\$575,000	Construction	Construction
STBG funds (maximum not to exceed)	\$1,164,200	R/W Acquisition, R/W Incidentals, R/W Review, Utilities, Construction, CE and CE Review	R/W Acquisition, R/W Incidentals, R/W Review, Utilities, Construction,

			CE and CE Review
Entity (50% PE and PE Review Commission Cost Share match (\$96,500) , 100% PE and PE Review MoDOT Cost Share ineligible (\$30,750) and required local match for STBG funds \$291,050)	\$418,300	PE, PE Review, R/W Acquisition, R/W Incidentals, R/W Review, Utilities, Construction, CE and CE Review	PE, PE Review, R/W Acquisition, R/W Incidentals, R/W Review Utilities, Construction, CE and CE Review
	\$3,177,750		

Project Responsibilities:

Preliminary Engineering	Entity
Right of Way Acquisition	Entity
Utilities	Entity
Letting/Construction	Entity
Construction Engineering	Entity

How are overruns and underruns handled? The Entity shall be responsible for overruns on the project. Underruns will be based on the pro rata share.

Exhibit C

Preliminary Engineering - 2021

Right of Way - 2023

Construction - 2024

Exhibit C - Required Contract Provisions

REQUIRED CONTRACT PROVISIONS FEDERAL-AID CONSTRUCTION CONTRACTS

- I. General
- II. Nondiscrimination
- III. Nonsegregated Facilities
- IV. Davis-Bacon and Related Act Provisions
- V. Contract Work Hours and Safety Standards Act Provisions
- VI. Subletting or Assigning the Contract
- VII. Safety: Accident Prevention
- VIII. False Statements Concerning Highway Projects
- IX. Implementation of Clean Air Act and Federal Water Pollution Control Act
- X. Compliance with Governmentwide Suspension and Debarment Requirements
- XI. Certification Regarding Use of Contract Funds for Lobbying

ATTACHMENTS

A. Employment and Materials Preference for Appalachian Development Highway System or Appalachian Local Access Road Contracts (included in Appalachian contracts only)

I. GENERAL

1. Form FHWA-1273 must be physically incorporated in each construction contract funded under Title 23 (excluding emergency contracts solely intended for debris removal). The contractor (or subcontractor) must insert this form in each subcontract and further require its inclusion in all lower tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services).

The applicable requirements of Form FHWA-1273 are incorporated by reference for work done under any purchase order, rental agreement or agreement for other services. The prime contractor shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider.

Form FHWA-1273 must be included in all Federal-aid design-build contracts, in all subcontracts and in lower tier subcontracts (excluding subcontracts for design services, purchase orders, rental agreements and other agreements for supplies or services). The design-builder shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider.

Contracting agencies may reference Form FHWA-1273 in bid proposal or request for proposal documents, however, the Form FHWA-1273 must be physically incorporated (not referenced) in all contracts, subcontracts and lower-tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services related to a construction contract).

2. Subject to the applicability criteria noted in the following sections, these contract provisions shall apply to all work performed on the contract by the contractor's own organization and with the assistance of workers under the contractor's immediate superintendence and to all work performed on the contract by piecework, station work, or by subcontract.

3. A breach of any of the stipulations contained in these Required Contract Provisions may be sufficient grounds for withholding of progress payments, withholding of final payment, termination of the contract, suspension / debarment or any other action determined to be appropriate by the contracting agency and FHWA.

4. Selection of Labor: During the performance of this contract, the contractor shall not use convict labor for any purpose within the limits of a construction project on a Federal-aid highway unless it is labor performed by convicts who are on parole, supervised release, or probation. The term Federal-aid highway does not include roadways functionally classified as local roads or rural minor collectors.

II. NONDISCRIMINATION

The provisions of this section related to 23 CFR Part 230 are applicable to all Federal-aid construction contracts and to all related construction subcontracts of \$10,000 or more. The provisions of 23 CFR Part 230 are not applicable to material supply, engineering, or architectural service contracts.

In addition, the contractor and all subcontractors must comply with the following policies: Executive Order 11246, 41 CFR 60, 29 CFR 1625-1627, Title 23 USC Section 140, the Rehabilitation Act of 1973, as amended (29 USC 794), Title VI of the Civil Rights Act of 1964, as amended, and related regulations including 49 CFR Parts 21, 26 and 27; and 23 CFR Parts 200, 230, and 633.

The contractor and all subcontractors must comply with: the requirements of the Equal Opportunity Clause in 41 CFR 60-1.4(b) and, for all construction contracts exceeding \$10,000, the Standard Federal Equal Employment Opportunity Construction Contract Specifications in 41 CFR 60-4.3.

Note: The U.S. Department of Labor has exclusive authority to determine compliance with Executive Order 11246 and the policies of the Secretary of Labor including 41 CFR 60, and 29 CFR 1625-1627. The contracting agency and the FHWA have the authority and the responsibility to ensure compliance with Title 23 USC Section 140, the Rehabilitation Act of 1973, as amended (29 USC 794), and Title VI of the Civil Rights Act of 1964, as amended, and related regulations including 49 CFR Parts 21, 26 and 27; and 23 CFR Parts 200, 230, and 633.

The following provision is adopted from 23 CFR 230, Appendix A, with appropriate revisions to conform to the U.S. Department of Labor (US DOL) and FHWA requirements.

1. Equal Employment Opportunity: Equal employment opportunity (EEO) requirements not to discriminate and to take affirmative action to assure equal opportunity as set forth under laws, executive orders, rules, regulations (28 CFR 35, 29 CFR 1630, 29 CFR 1625-1627, 41 CFR 60 and 49 CFR 27) and orders of the Secretary of Labor as modified by the provisions prescribed herein, and imposed pursuant to 23 U.S.C. 140 shall constitute the EEO and specific affirmative action standards for the contractor's project activities under

this contract. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) set forth under 28 CFR 35 and 29 CFR 1630 are incorporated by reference in this contract. In the execution of this contract, the contractor agrees to comply with the following minimum specific requirement activities of EEO:

a. The contractor will work with the contracting agency and the Federal Government to ensure that it has made every good faith effort to provide equal opportunity with respect to all of its terms and conditions of employment and in their review of activities under the contract.

b. The contractor will accept as its operating policy the following statement:

"It is the policy of this Company to assure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, color, national origin, age or disability. Such action shall include: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship, pre-apprenticeship, and/or on-the-job training."

2. **EEO Officer:** The contractor will designate and make known to the contracting officers an EEO Officer who will have the responsibility for and must be capable of effectively administering and promoting an active EEO program and who must be assigned adequate authority and responsibility to do so.

3. **Dissemination of Policy:** All members of the contractor's staff who are authorized to hire, supervise, promote, and discharge employees, or who recommend such action, or who are substantially involved in such action, will be made fully cognizant of, and will implement, the contractor's EEO policy and contractual responsibilities to provide EEO in each grade and classification of employment. To ensure that the above agreement will be met, the following actions will be taken as a minimum:

a. Periodic meetings of supervisory and personnel office employees will be conducted before the start of work and then not less often than once every six months, at which time the contractor's EEO policy and its implementation will be reviewed and explained. The meetings will be conducted by the EEO Officer.

b. All new supervisory or personnel office employees will be given a thorough indoctrination by the EEO Officer, covering all major aspects of the contractor's EEO obligations within thirty days following their reporting for duty with the contractor.

c. All personnel who are engaged in direct recruitment for the project will be instructed by the EEO Officer in the contractor's procedures for locating and hiring minorities and women.

d. Notices and posters setting forth the contractor's EEO policy will be placed in areas readily accessible to employees, applicants for employment and potential employees.

e. The contractor's EEO policy and the procedures to implement such policy will be brought to the attention of employees by means of meetings, employee handbooks, or other appropriate means.

4. **Recruitment:** When advertising for employees, the contractor will include in all advertisements for employees the notation: "An Equal Opportunity Employer." All such advertisements will be placed in publications having a large circulation among minorities and women in the area from which the project work force would normally be derived.

a. The contractor will, unless precluded by a valid bargaining agreement, conduct systematic and direct recruitment through public and private employee referral sources likely to yield qualified minorities and women. To meet this requirement, the contractor will identify sources of potential minority group employees, and establish with such identified sources procedures whereby minority and women applicants may be referred to the contractor for employment consideration.

b. In the event the contractor has a valid bargaining agreement providing for exclusive hiring hall referrals, the contractor is expected to observe the provisions of that agreement to the extent that the system meets the contractor's compliance with EEO contract provisions. Where implementation of such an agreement has the effect of discriminating against minorities or women, or obligates the contractor to do the same, such implementation violates Federal nondiscrimination provisions.

c. The contractor will encourage its present employees to refer minorities and women as applicants for employment. Information and procedures with regard to referring such applicants will be discussed with employees.

5. **Personnel Actions:** Wages, working conditions, and employee benefits shall be established and administered, and personnel actions of every type, including hiring, upgrading, promotion, transfer, demotion, layoff, and termination, shall be taken without regard to race, color, religion, sex, national origin, age or disability. The following procedures shall be followed:

a. The contractor will conduct periodic inspections of project sites to insure that working conditions and employee facilities do not indicate discriminatory treatment of project site personnel.

b. The contractor will periodically evaluate the spread of wages paid within each classification to determine any evidence of discriminatory wage practices.

c. The contractor will periodically review selected personnel actions in depth to determine whether there is evidence of discrimination. Where evidence is found, the contractor will promptly take corrective action. If the review indicates that the discrimination may extend beyond the actions reviewed, such corrective action shall include all affected persons.

d. The contractor will promptly investigate all complaints of alleged discrimination made to the contractor in connection with its obligations under this contract, will attempt to resolve such complaints, and will take appropriate corrective action within a reasonable time. If the investigation indicates that the discrimination may affect persons other than the complainant, such corrective action shall include such other persons. Upon completion of each investigation, the contractor will inform every complainant of all of their avenues of appeal.

6. **Training and Promotion:**

a. The contractor will assist in locating, qualifying, and increasing the skills of minorities and women who are

applicants for employment or current employees. Such efforts should be aimed at developing full journey level status employees in the type of trade or job classification involved.

b. Consistent with the contractor's work force requirements and as permissible under Federal and State regulations, the contractor shall make full use of training programs, i.e., apprenticeship, and on-the-job training programs for the geographical area of contract performance. In the event a special provision for training is provided under this contract, this subparagraph will be superseded as indicated in the special provision. The contracting agency may reserve training positions for persons who receive welfare assistance in accordance with 23 U.S.C. 140(a).

c. The contractor will advise employees and applicants for employment of available training programs and entrance requirements for each.

d. The contractor will periodically review the training and promotion potential of employees who are minorities and women and will encourage eligible employees to apply for such training and promotion.

7. Unions: If the contractor relies in whole or in part upon unions as a source of employees, the contractor will use good faith efforts to obtain the cooperation of such unions to increase opportunities for minorities and women. Actions by the contractor, either directly or through a contractor's association acting as agent, will include the procedures set forth below:

a. The contractor will use good faith efforts to develop, in cooperation with the unions, joint training programs aimed toward qualifying more minorities and women for membership in the unions and increasing the skills of minorities and women so that they may qualify for higher paying employment.

b. The contractor will use good faith efforts to incorporate an EEO clause into each union agreement to the end that such union will be contractually bound to refer applicants without regard to their race, color, religion, sex, national origin, age or disability.

c. The contractor is to obtain information as to the referral practices and policies of the labor union except that to the extent such information is within the exclusive possession of the labor union and such labor union refuses to furnish such information to the contractor, the contractor shall so certify to the contracting agency and shall set forth what efforts have been made to obtain such information.

d. In the event the union is unable to provide the contractor with a reasonable flow of referrals within the time limit set forth in the collective bargaining agreement, the contractor will, through independent recruitment efforts, fill the employment vacancies without regard to race, color, religion, sex, national origin, age or disability; making full efforts to obtain qualified and/or qualifiable minorities and women. The failure of a union to provide sufficient referrals (even though it is obligated to provide exclusive referrals under the terms of a collective bargaining agreement) does not relieve the contractor from the requirements of this paragraph. In the event the union referral practice prevents the contractor from meeting the obligations pursuant to Executive Order 11246, as amended, and these special provisions, such contractor shall immediately notify the contracting agency.

8. Reasonable Accommodation for Applicants / Employees with Disabilities: The contractor must be familiar

with the requirements for and comply with the Americans with Disabilities Act and all rules and regulations established there under. Employers must provide reasonable accommodation in all employment activities unless to do so would cause an undue hardship.

9. Selection of Subcontractors, Procurement of Materials and Leasing of Equipment: The contractor shall not discriminate on the grounds of race, color, religion, sex, national origin, age or disability in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The contractor shall take all necessary and reasonable steps to ensure nondiscrimination in the administration of this contract.

a. The contractor shall notify all potential subcontractors and suppliers and lessors of their EEO obligations under this contract.

b. The contractor will use good faith efforts to ensure subcontractor compliance with their EEO obligations.

10. Assurance Required by 49 CFR 26.13(b):

a. The requirements of 49 CFR Part 26 and the State DOT's U.S. DOT-approved DBE program are incorporated by reference.

b. The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the contracting agency deems appropriate.

11. Records and Reports: The contractor shall keep such records as necessary to document compliance with the EEO requirements. Such records shall be retained for a period of three years following the date of the final payment to the contractor for all contract work and shall be available at reasonable times and places for inspection by authorized representatives of the contracting agency and the FHWA.

a. The records kept by the contractor shall document the following:

(1) The number and work hours of minority and non-minority group members and women employed in each work classification on the project;

(2) The progress and efforts being made in cooperation with unions, when applicable, to increase employment opportunities for minorities and women; and

(3) The progress and efforts being made in locating, hiring, training, qualifying, and upgrading minorities and women;

b. The contractors and subcontractors will submit an annual report to the contracting agency each July for the duration of the project, indicating the number of minority, women, and non-minority group employees currently engaged in each work classification required by the contract work. This information is to be reported on [Form FHWA-1391](#). The staffing data should represent the project work force on board in all or any part of the last payroll period preceding the end of July. If on-the-job training is being required by special provision, the contractor

will be required to collect and report training data. The employment data should reflect the work force on board during all or any part of the last payroll period preceding the end of July.

III. NONSEGREGATED FACILITIES

This provision is applicable to all Federal-aid construction contracts and to all related construction subcontracts of \$10,000 or more.

The contractor must ensure that facilities provided for employees are provided in such a manner that segregation on the basis of race, color, religion, sex, or national origin cannot result. The contractor may neither require such segregated use by written or oral policies nor tolerate such use by employee custom. The contractor's obligation extends further to ensure that its employees are not assigned to perform their services at any location, under the contractor's control, where the facilities are segregated. The term "facilities" includes waiting rooms, work areas, restaurants and other eating areas, time clocks, restrooms, washrooms, locker rooms, and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing provided for employees. The contractor shall provide separate or single-user restrooms and necessary dressing or sleeping areas to assure privacy between sexes.

IV. DAVIS-BACON AND RELATED ACT PROVISIONS

This section is applicable to all Federal-aid construction projects exceeding \$2,000 and to all related subcontracts and lower-tier subcontracts (regardless of subcontract size). The requirements apply to all projects located within the right-of-way of a roadway that is functionally classified as Federal-aid highway. This excludes roadways functionally classified as local roads or rural minor collectors, which are exempt. Contracting agencies may elect to apply these requirements to other projects.

The following provisions are from the U.S. Department of Labor regulations in 29 CFR 5.5 "Contract provisions and related matters" with minor revisions to conform to the FHWA-1273 format and FHWA program requirements.

1. Minimum wages

a. All laborers and mechanics employed or working upon the site of the work, will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR part 3)), the full amount of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics.

Contributions made or costs reasonably anticipated for bona fide fringe benefits under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions

of paragraph 1.d. of this section; also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in 29 CFR 5.5(a)(4). Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: Provided, That the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination (including any additional classification and wage rates conformed under paragraph 1.b. of this section) and the Davis-Bacon poster (WH-1321) shall be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers.

b.(1) The contracting officer shall require that any class of laborers or mechanics, including helpers, which is not listed in the wage determination and which is to be employed under the contract shall be classified in conformance with the wage determination. The contracting officer shall approve an additional classification and wage rate and fringe benefits therefore only when the following criteria have been met:

(i) The work to be performed by the classification requested is not performed by a classification in the wage determination; and

(ii) The classification is utilized in the area by the construction industry; and

(iii) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.

(2) If the contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and the contracting officer agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken shall be sent by the contracting officer to the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, DC 20210. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(3) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and the contracting officer do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the contracting officer shall refer the questions, including the views of all interested parties and the recommendation of the contracting officer, to the Wage and Hour Administrator for determination. The Wage and Hour Administrator, or an authorized representative, will issue a determination within 30 days of receipt and so advise the contracting officer or

will notify the contracting officer within the 30-day period that additional time is necessary.

(4) The wage rate (including fringe benefits where appropriate) determined pursuant to paragraphs 1.b.(2) or 1.b.(3) of this section, shall be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification.

c. Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the contractor shall either pay the benefit as stated in the wage determination or shall pay another bona fide fringe benefit or an hourly cash equivalent thereof.

d. If the contractor does not make payments to a trustee or other third person, the contractor may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program. Provided, That the Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

2. Withholding

The contracting agency shall upon its own action or upon written request of an authorized representative of the Department of Labor, withhold or cause to be withheld from the contractor under this contract, or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to Davis-Bacon prevailing wage requirements, which is held by the same prime contractor, so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics, including apprentices, trainees, and helpers, employed by the contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee, or helper, employed or working on the site of the work, all or part of the wages required by the contract, the contracting agency may, after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

3. Payrolls and basic records

a. Payrolls and basic records relating thereto shall be maintained by the contractor during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work. Such records shall contain the name, address, and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in section 1(b)(2)(B) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5(a)(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-

Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits. Contractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprenticeship programs and certification of trainee programs, the registration of the apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs.

b.(1) The contractor shall submit weekly for each week in which any contract work is performed a copy of all payrolls to the contracting agency. The payrolls submitted shall set out accurately and completely all of the information required to be maintained under 29 CFR 5.5(a)(3)(i), except that full social security numbers and home addresses shall not be included on weekly transmittals. Instead the payrolls shall only need to include an individually identifying number for each employee (e.g., the last four digits of the employee's social security number). The required weekly payroll information may be submitted in any form desired. Optional Form WH-347 is available for this purpose from the Wage and Hour Division Web site at <http://www.dol.gov/esa/whd/forms/wh347instr.htm> or its successor site. The prime contractor is responsible for the submission of copies of payrolls by all subcontractors. Contractors and subcontractors shall maintain the full social security number and current address of each covered worker, and shall provide them upon request to the contracting agency for transmission to the State DOT, the FHWA or the Wage and Hour Division of the Department of Labor for purposes of an investigation or audit of compliance with prevailing wage requirements. It is not a violation of this section for a prime contractor to require a subcontractor to provide addresses and social security numbers to the prime contractor for its own records, without weekly submission to the contracting agency..

(2) Each payroll submitted shall be accompanied by a "Statement of Compliance," signed by the contractor or subcontractor or his or her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following:

(i) That the payroll for the payroll period contains the information required to be provided under §5.5 (a)(3)(ii) of Regulations, 29 CFR part 5, the appropriate information is being maintained under §5.5 (a)(3)(i) of Regulations, 29 CFR part 5, and that such information is correct and complete;

(ii) That each laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in Regulations, 29 CFR part 3;

(iii) That each laborer or mechanic has been paid not less than the applicable wage rates and fringe benefits or cash equivalents for the classification of work performed, as specified in the applicable wage determination incorporated into the contract.

(3) The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 shall satisfy the requirement for submission of the "Statement of Compliance" required by paragraph 3.b.(2) of this section.

(4) The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under section 1001 of title 18 and section 231 of title 31 of the United States Code.

c. The contractor or subcontractor shall make the records required under paragraph 3.a. of this section available for inspection, copying, or transcription by authorized representatives of the contracting agency, the State DOT, the FHWA, or the Department of Labor, and shall permit such representatives to interview employees during working hours on the job. If the contractor or subcontractor fails to submit the required records or to make them available, the FHWA may, after written notice to the contractor, the contracting agency or the State DOT, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.

4. Apprentices and trainees

a. Apprentices (programs of the USDOL).

Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship Training, Employer and Labor Services, or with a State Apprenticeship Agency recognized by the Office, or if a person is employed in his or her first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Office of Apprenticeship Training, Employer and Labor Services or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice.

The allowable ratio of apprentices to journeymen on the job site in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any worker listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a contractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman's hourly rate) specified in the contractor's or subcontractor's registered program shall be observed.

Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeymen hourly

rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination.

In the event the Office of Apprenticeship Training, Employer and Labor Services, or a State Apprenticeship Agency recognized by the Office, withdraws approval of an apprenticeship program, the contractor will no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

b. Trainees (programs of the USDOL).

Except as provided in 29 CFR 5.16, trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the U.S. Department of Labor, Employment and Training Administration.

The ratio of trainees to journeymen on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration.

Every trainee must be paid at not less than the rate specified in the approved program for the trainee's level of progress, expressed as a percentage of the journeyman hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour Division determines that there is an apprenticeship program associated with the corresponding journeyman wage rate on the wage determination which provides for less than full fringe benefits for apprentices. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any trainee performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed.

In the event the Employment and Training Administration withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

c. Equal employment opportunity. The utilization of apprentices, trainees and journeymen under this part shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR part 30.

d. Apprentices and Trainees (programs of the U.S. DOT).

Apprentices and trainees working under apprenticeship and skill training programs which have been certified by the Secretary of Transportation as promoting EEO in connection with Federal-aid highway construction programs are not subject to the requirements of paragraph 4 of this Section IV. The straight time hourly wage rates for apprentices and trainees under such programs will be established by the particular programs. The ratio of apprentices and trainees to journeymen shall not be greater than permitted by the terms of the particular program.

5. Compliance with Copeland Act requirements. The contractor shall comply with the requirements of 29 CFR part 3, which are incorporated by reference in this contract.

6. Subcontracts. The contractor or subcontractor shall insert Form FHWA-1273 in any subcontracts and also require the subcontractors to include Form FHWA-1273 in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses in 29 CFR 5.5.

7. Contract termination: debarment. A breach of the contract clauses in 29 CFR 5.5 may be grounds for termination of the contract, and for debarment as a contractor and a subcontractor as provided in 29 CFR 5.12.

8. Compliance with Davis-Bacon and Related Act requirements. All rulings and interpretations of the Davis-Bacon and Related Acts contained in 29 CFR parts 1, 3, and 5 are herein incorporated by reference in this contract.

9. Disputes concerning labor standards. Disputes arising out of the labor standards provisions of this contract shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor set forth in 29 CFR parts 5, 6, and 7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and the contracting agency, the U.S. Department of Labor, or the employees or their representatives.

10. Certification of eligibility.

a. By entering into this contract, the contractor certifies that neither it (nor he or she) nor any person or firm who has an interest in the contractor's firm is a person or firm ineligible to be awarded Government contracts by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

b. No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

c. The penalty for making false statements is prescribed in the U.S. Criminal Code, 18 U.S.C. 1001.

V. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

The following clauses apply to any Federal-aid construction contract in an amount in excess of \$100,000 and subject to the overtime provisions of the Contract Work Hours and Safety Standards Act. These clauses shall be inserted in addition to the clauses required by 29 CFR 5.5(a) or 29 CFR 4.6. As used in this paragraph, the terms laborers and mechanics include watchmen and guards.

1. Overtime requirements. No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.

2. Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the clause set forth in paragraph (1.) of this section, the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (1.) of this section, in the sum of \$10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (1.) of this section.

3. Withholding for unpaid wages and liquidated damages. The FHWA or the contracting agency shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (2.) of this section.

4. Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraph (1.) through (4.) of this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (1.) through (4.) of this section.

VI. SUBLETTING OR ASSIGNING THE CONTRACT

This provision is applicable to all Federal-aid construction contracts on the National Highway System.

1. The contractor shall perform with its own organization contract work amounting to not less than 30 percent (or a greater percentage if specified elsewhere in the contract) of the total original contract price, excluding any specialty items designated by the contracting agency. Specialty items may be performed by subcontract and the amount of any such specialty items performed may be deducted from the total original contract price before computing the amount of work required to be performed by the contractor's own organization (23 CFR 635.116).

a. The term "perform work with its own organization" refers to workers employed or leased by the prime contractor, and equipment owned or rented by the prime contractor, with or without operators. Such term does not include employees or equipment of a subcontractor or lower tier subcontractor, agents of the prime contractor, or any other assignees. The term may include payments for the costs of hiring leased employees from an employee leasing firm meeting all relevant Federal and State regulatory requirements. Leased employees may only be included in this term if the prime contractor meets all of the following conditions:

- (1) the prime contractor maintains control over the supervision of the day-to-day activities of the leased employees;
- (2) the prime contractor remains responsible for the quality of the work of the leased employees;
- (3) the prime contractor retains all power to accept or exclude individual employees from work on the project; and
- (4) the prime contractor remains ultimately responsible for the payment of predetermined minimum wages, the submission of payrolls, statements of compliance and all other Federal regulatory requirements.

b. "Specialty Items" shall be construed to be limited to work that requires highly specialized knowledge, abilities, or equipment not ordinarily available in the type of contracting organizations qualified and expected to bid or propose on the contract as a whole and in general are to be limited to minor components of the overall contract.

2. The contract amount upon which the requirements set forth in paragraph (1) of Section VI is computed includes the cost of material and manufactured products which are to be purchased or produced by the contractor under the contract provisions.

3. The contractor shall furnish (a) a competent superintendent or supervisor who is employed by the firm, has full authority to direct performance of the work in accordance with the contract requirements, and is in charge of all construction operations (regardless of who performs the work) and (b) such other of its own organizational resources (supervision, management, and engineering services) as the contracting officer determines is necessary to assure the performance of the contract.

4. No portion of the contract shall be sublet, assigned or otherwise disposed of except with the written consent of the contracting officer, or authorized representative, and such consent when given shall not be construed to relieve the contractor of any responsibility for the fulfillment of the contract. Written consent will be given only after the contracting agency has assured that each subcontract is

evidenced in writing and that it contains all pertinent provisions and requirements of the prime contract.

5. The 30% self-performance requirement of paragraph (1) is not applicable to design-build contracts; however, contracting agencies may establish their own self-performance requirements.

VII. SAFETY: ACCIDENT PREVENTION

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

1. In the performance of this contract the contractor shall comply with all applicable Federal, State, and local laws governing safety, health, and sanitation (23 CFR 635). The contractor shall provide all safeguards, safety devices and protective equipment and take any other needed actions as it determines, or as the contracting officer may determine, to be reasonably necessary to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of the work covered by the contract.

2. It is a condition of this contract, and shall be made a condition of each subcontract, which the contractor enters into pursuant to this contract, that the contractor and any subcontractor shall not permit any employee, in performance of the contract, to work in surroundings or under conditions which are unsanitary, hazardous or dangerous to his/her health or safety, as determined under construction safety and health standards (29 CFR 1926) promulgated by the Secretary of Labor, in accordance with Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 3704).

3. Pursuant to 29 CFR 1926.3, it is a condition of this contract that the Secretary of Labor or authorized representative thereof, shall have right of entry to any site of contract performance to inspect or investigate the matter of compliance with the construction safety and health standards and to carry out the duties of the Secretary under Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 3704).

VIII. FALSE STATEMENTS CONCERNING HIGHWAY PROJECTS

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

In order to assure high quality and durable construction in conformity with approved plans and specifications and a high degree of reliability on statements and representations made by engineers, contractors, suppliers, and workers on Federal-aid highway projects, it is essential that all persons concerned with the project perform their functions as carefully, thoroughly, and honestly as possible. Willful falsification, distortion, or misrepresentation with respect to any facts related to the project is a violation of Federal law. To prevent any misunderstanding regarding the seriousness of these and similar acts, Form FHWA-1022 shall be posted on each Federal-aid highway project (23 CFR 635) in one or more places where it is readily available to all persons concerned with the project:

18 U.S.C. 1020 reads as follows:

"Whoever, being an officer, agent, or employee of the United States, or of any State or Territory, or whoever, whether a person, association, firm, or corporation, knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the cost thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction on any highway or related project submitted for approval to the Secretary of Transportation; or

Whoever knowingly makes any false statement, false representation, false report or false claim with respect to the character, quality, quantity, or cost of any work performed or to be performed, or materials furnished or to be furnished, in connection with the construction of any highway or related project approved by the Secretary of Transportation; or

Whoever knowingly makes any false statement or false representation as to material fact in any statement, certificate, or report submitted pursuant to provisions of the Federal-aid Roads Act approved July 1, 1916, (39 Stat. 355), as amended and supplemented;

Shall be fined under this title or imprisoned not more than 5 years or both."

IX. IMPLEMENTATION OF CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

By submission of this bid/proposal or the execution of this contract, or subcontract, as appropriate, the bidder, proposer, Federal-aid construction contractor, or subcontractor, as appropriate, will be deemed to have stipulated as follows:

1. That any person who is or will be utilized in the performance of this contract is not prohibited from receiving an award due to a violation of Section 508 of the Clean Water Act or Section 306 of the Clean Air Act.

2. That the contractor agrees to include or cause to be included the requirements of paragraph (1) of this Section X in every subcontract, and further agrees to take such action as the contracting agency may direct as a means of enforcing such requirements.

X. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION

This provision is applicable to all Federal-aid construction contracts, design-build contracts, subcontracts, lower-tier subcontracts, purchase orders, lease agreements, consultant contracts or any other covered transaction requiring FHWA approval or that is estimated to cost \$25,000 or more – as defined in 2 CFR Parts 180 and 1200.

1. Instructions for Certification – First Tier Participants:

a. By signing and submitting this proposal, the prospective first tier participant is providing the certification set out below.

b. The inability of a person to provide the certification set out below will not necessarily result in denial of participation in this

covered transaction. The prospective first tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective first tier participant to furnish a certification or an explanation shall disqualify such a person from participation in this transaction.

c. The certification in this clause is a material representation of fact upon which reliance was placed when the contracting agency determined to enter into this transaction. If it is later determined that the prospective participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the contracting agency may terminate this transaction for cause of default.

d. The prospective first tier participant shall provide immediate written notice to the contracting agency to whom this proposal is submitted if any time the prospective first tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

e. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180 and 1200. "First Tier Covered Transactions" refers to any covered transaction between a grantee or subgrantee of Federal funds and a participant (such as the prime or general contract). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a grantee or subgrantee of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

f. The prospective first tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

g. The prospective first tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions," provided by the department or contracting agency, entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold.

h. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the Excluded Parties List System website (<https://www.epls.gov/>), which is compiled by the General Services Administration.

i. Nothing contained in the foregoing shall be construed to require the establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of the prospective participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

j. Except for transactions authorized under paragraph (f) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

* * * * *

2. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – First Tier Participants:

a. The prospective first tier participant certifies to the best of its knowledge and belief, that it and its principals:

(1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;

(2) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (a)(2) of this certification; and

(4) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

b. Where the prospective participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

2. Instructions for Certification - Lower Tier Participants:

(Applicable to all subcontracts, purchase orders and other lower tier transactions requiring prior FHWA approval or estimated to cost \$25,000 or more - 2 CFR Parts 180 and 1200)

a. By signing and submitting this proposal, the prospective lower tier is providing the certification set out below.

b. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department, or agency with which

this transaction originated may pursue available remedies, including suspension and/or debarment.

c. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous by reason of changed circumstances.

d. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180 and 1200. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations. "First Tier Covered Transactions" refers to any covered transaction between a grantee or subgrantee of Federal funds and a participant (such as the prime or general contract). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a grantee or subgrantee of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

e. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

f. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold.

g. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the Excluded Parties List System website (<https://www.epls.gov/>), which is compiled by the General Services Administration.

h. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

i. Except for transactions authorized under paragraph e of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the

department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

* * * * *

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Participants:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

* * * * *

XI. CERTIFICATION REGARDING USE OF CONTRACT FUNDS FOR LOBBYING

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts which exceed \$100,000 (49 CFR 20).

1. The prospective participant certifies, by signing and submitting this bid or proposal, to the best of his or her knowledge and belief, that:

a. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

2. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

3. The prospective participant also agrees by submitting its bid or proposal that the participant shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such recipients shall certify and disclose accordingly.

**ATTACHMENT A - EMPLOYMENT AND MATERIALS
PREFERENCE FOR APPALACHIAN DEVELOPMENT
HIGHWAY SYSTEM OR APPALACHIAN LOCAL ACCESS
ROAD CONTRACTS**

This provision is applicable to all Federal-aid projects funded under the Appalachian Regional Development Act of 1965.

1. During the performance of this contract, the contractor undertaking to do work which is, or reasonably may be, done as on-site work, shall give preference to qualified persons who regularly reside in the labor area as designated by the DOL wherein the contract work is situated, or the subregion, or the Appalachian counties of the State wherein the contract work is situated, except:

a. To the extent that qualified persons regularly residing in the area are not available.

b. For the reasonable needs of the contractor to employ supervisory or specially experienced personnel necessary to assure an efficient execution of the contract work.

c. For the obligation of the contractor to offer employment to present or former employees as the result of a lawful collective bargaining contract, provided that the number of nonresident persons employed under this subparagraph (1c) shall not exceed 20 percent of the total number of employees employed by the contractor on the contract work, except as provided in subparagraph (4) below.

2. The contractor shall place a job order with the State Employment Service indicating (a) the classifications of the laborers, mechanics and other employees required to perform the contract work, (b) the number of employees required in each classification, (c) the date on which the participant estimates such employees will be required, and (d) any other pertinent information required by the State Employment Service to complete the job order form. The job order may be placed with the State Employment Service in writing or by telephone. If during the course of the contract work, the information submitted by the contractor in the original job order is substantially modified, the participant shall promptly notify the State Employment Service.

3. The contractor shall give full consideration to all qualified job applicants referred to him by the State Employment Service. The contractor is not required to grant employment to any job applicants who, in his opinion, are not qualified to perform the classification of work required.

4. If, within one week following the placing of a job order by the contractor with the State Employment Service, the State Employment Service is unable to refer any qualified job applicants to the contractor, or less than the number requested, the State Employment Service will forward a certificate to the contractor indicating the unavailability of applicants. Such certificate shall be made a part of the contractor's permanent project records. Upon receipt of this certificate, the contractor may employ persons who do not normally reside in the labor area to fill positions covered by the certificate, notwithstanding the provisions of subparagraph (1c) above.

5. The provisions of 23 CFR 633.207(e) allow the contracting agency to provide a contractual preference for the use of mineral resource materials native to the Appalachian region.

6. The contractor shall include the provisions of Sections 1 through 4 of this Attachment A in every subcontract for work which is, or reasonably may be, done as on-site work.



DEPARTMENT OF PUBLIC WORKS STAFF MEMORANDUM

DATE: December 9, 2021

TO: Mark Perkins, City Administrator

CC: Jim Heines, Director of Public Works

FROM: Matt Wohlberg, P.E., City Engineer

SUBJECT: Recommendation to Execute Supplemental Agreement
Surface Transportation Block Grant Program – Suballocated
Governor’s Transportation Cost Share Program
Lindbergh-Old Olive Intersection Project

City staff recommends that the City execute a supplemental agreement with the Missouri Highways and Transportation Commission (MoDOT) regarding the planned improvements to the intersection of Lindbergh Boulevard at Old Olive Street Road. The City and MoDOT entered into a program agreement in late 2020 regarding one source of federal funding for this project. This supplemental agreement amends the existing program agreement in order to include an additional federal funding source and a state funding source for the project.

Project Summary

The existing intersection of Lindbergh Boulevard (US Highway 67) at Old Olive Street Road allows for only right turns and divides Old Olive Street Road into two separate sections. The development of the 39 North Agricultural Technology District has sharpened the focus on this intersection, finding that increasing access at this intersection will be critical for the future development of the 39 North District on the west side of Lindbergh.

The proposed project seeks to increase access for both vehicles and pedestrians across Lindbergh. The project involves adding a traffic signal to the intersection, minor widening of both Old Olive and Lindbergh, removing the Lindbergh median barrier at Old Olive, and creating a pedestrian crosswalk across Lindbergh. The total estimated cost of this project is \$2,575,500.

Funding Sources

The City has secured grant funding for this project from multiple sources. A brief summary of each funding source is included below. The Surface Transportation Block Grant Program and the Governor’s Transportation Cost-Share Program are highlighted, because the proposed supplemental agreement concerns these funding programs.

1. State Cost Share Program. This program reimburses municipalities in Missouri for up to 50% of the design, acquisition, and construction costs for qualifying improvements to the State’s roadway network. This program uses federal funds and is managed by MoDOT. The Lindbergh – Old Olive intersection qualifies for this program, because the work is supported by MoDOT and both streets involved are currently maintained by MoDOT as part of the state highway system.

2. Surface Transportation Block Grant Program – Suballocated (STP Grant). This program reimburses state and local agencies for up to 80% of the design, acquisition, and construction costs to improve the region’s most significant streets and sidewalks. This program uses federal funding and is managed by East West Gateway Council of Governments and MoDOT. The Lindbergh – Old Olive intersection qualifies for this program, because Lindbergh is classified as a principal arterial roadway and Old Olive as a major collector roadway.
3. Governor’s Transportation Cost-Share Program (Governor’s Program). This program uses general revenue funding from the State of Missouri to reimburse municipalities for up to 50% of construction costs that satisfy a transportation need and promote economic development.

Program Agreement and Supplemental Agreement. MoDOT and the City entered into a program agreement regarding the State Cost Share Program in late 2020. MoDOT has provided a supplemental agreement to add the STP Grant and the Governor’s Program (highlighted above) as part of the overall funding package for the Lindbergh-Old Olive intersection project. This proposed supplemental agreement is the subject of the current recommendation.

Funding Discussion

The funding provided by these three grants and the City’s contribution are summarized below:

Funding Source	Funding Amount	Percent of Total
State Cost Share Program	\$ 1,020,250	31.9%
Federal STP Grant	\$ 1,164,200	36.4%
Governor’s Cost-Share Program	\$ 575,100	18.0%
City Capital Fund **	\$ 442,200	13.8%
Funding Totals	\$ 3,201,750	100%

*** This is the total amount that has been spent on this project to date, plus the amount of City funding that has been budgeted for the remainder of the project.*

STP Grant. The City’s anticipated acceptance of the STP Grant would follow the same process as recent federal grants. Namely, the City would seek federal reimbursement for much of the costs associated with right of way and easement acquisition, construction, and construction inspection for the Lindbergh-Old Olive intersection project.

Governor’s Program. The inclusion of the Governor’s Program funding into this project warrants clarification of two points: uncertainty and limits of the Governor’s Program and the City’s anticipated share of the project.

Governor’s Program Uncertainty. The Governor’s Transportation Cost-Share Program is funded through the State of Missouri’s annual budget, meaning that this funding needs to be renewed each fiscal year in order to remain available. The funding in this program is also limited to the construction phase of the project, which is expected in either 2023 or 2024. Due to these two schedules, the State Legislature will need to renew this program’s funding in the summer of 2022 – and perhaps the summer of 2023 and 2024 – in order for this program to remain active and available to fund the construction of the intersection project. There has been no indication that this program is in any specific

jeopardy of losing funding, but the fact that annual renewal is necessary introduces more uncertainty and risk with this funding than the City usually experiences with other grants.

City Share of Project. The total estimated cost of the Lindbergh-Old Olive project is approximately \$2.6 million, and the sum of the grants awarded for the project total approximately \$2.76 million. If the current estimates and grant availability hold true, then the funding that has been awarded for the project will exceed the total cost of the project. Despite this, the City will continue to be obligated to fund a portion of the project. The exact size of that portion will depend on the final cost of the project, but it appears that the City's contribution to this project will range from around \$260,000 to \$445,000. The Governor's Program would not eliminate the City's share but would likely reduce the City's share to as little as 10% of the total project cost.

Recommendation

The City has benefitted from multiple federal STP Grants, which have funded improvements to nearly every collector or arterial road in the City's roadway network over the past 20 years. The City has recently completed improvements to Fernview Drive and Emerson Road using STP Grant funding, and STP Grant funding is currently supporting projects to improve Mosley Road, New Ballas Road, and Craig Road. Public Works staff finds the STP Grant program to be a stable funding source that has provided essential relief for the cost to maintain the City's major streets, and staff recommends that the City enter into the supplemental agreement to accept and incorporate this funding into the Lindbergh-Old Olive intersection project.

The award of the Governor's Transportation Cost-Share Program funding for the Lindbergh-Old Olive intersection project should be welcomed, but staff recommends that this funding be recognized and considered as a contingency. This additional funding will help to offset project construction costs if material prices continue to increase, and the program's funding should result in a lower overall investment needed from the City. On this point, staff recommends that the City enter into the necessary agreement with MoDOT to accept the Governor's Program funding as part of the overall funding package for the intersection project.

The benefits of the Governor's Program are true, however, only if the funding is available when the project is constructed. Considering the uncertainty regarding this program, staff recommends that the City plans for this project as if the Governor's Program funding will not be available at the time of construction.

BILL NO. 5853ORDINANCE NO. 5727

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CREVE COEUR, MISSOURI, AUTHORIZING THE EXECUTION OF A COST SHARE AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION TO ENABLE THE CITY TO CONSTRUCT A TRAFFIC SIGNAL AND RELATED IMPROVEMENTS AT THE INTERSECTION OF LINDBERGH BOULEVARD AND OLD OLIVE STREET ROAD.

WHEREAS, the City of Creve Coeur has adopted the 39 North Master Plan and the Old Olive Street Road Great Street Plan as guides for the physical and economic development of the area; and

WHEREAS, the addition of a traffic signal and pedestrian connections at the intersection of Lindbergh Boulevard (US 67) and Old Olive Street Road (State project J6S3521) is considered to be the critical first step toward achieving the Old Olive Street Road Great Street Plan; and

WHEREAS, the City has been awarded grant funding through the State of Missouri's Cost Share Program to assist with the cost of the design, easement acquisition, and construction of these intersection improvements; and

WHEREAS, the attached exhibit is an agreement between the City and the Missouri Highways and Transportation Commission regarding the responsibilities and requirements of the Cost Share Program.

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

SECTION 1. The Cost Share Agreement, between the Missouri Highways and Transportation Commission and the City, regarding the construction of pavement, sidewalk, and signal improvements to the intersection of Lindbergh Boulevard at Old Olive Street Road, attached hereto, is hereby approved and the City Administrator is authorized to execute same on behalf of the City and the City Clerk is authorized and directed to attest thereto. The Agreement as executed shall be substantially in the form of the Cost Share Agreement, with such changes therein as shall be approved by the officers of the City executing same, consistent with the provisions and intent of this Ordinance. The City Administrator and his designated representatives are hereby authorized and directed to take any and all actions necessary, desirable, convenient or proper in order to carry out the intent of this Ordinance, the matters herein authorized, and the rights and duties of the City under the Cost Share Agreement.

SECTION 2. This ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter.

ADOPTED THIS 14th DAY OF December, 2020.

DocuSigned by:



HEATHER SILVERMAN
PRESIDENT OF CITY COUNCIL

APPROVED THIS 14th DAY OF December, 2020.

DocuSigned by:



BARRY GLANTZ
MAYOR

ATTEST:

DocuSigned by:



DEBORAH RYAN, MPCC
CITY CLERK



CCO Form: FS08
Approved: 03/04 (BDG)
Revised: 03/17 (MWH)
Modified: 07/20 (MWH)

Route 67, St. Louis County
Project No. J6S3521/STP-5526(649)
City of Creve Coeur

MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION COST SHARE AGREEMENT

THIS AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and City of Creve Coeur (hereinafter, "Entity").

WITNESSETH:

WHEREAS, the Entity applied to the Commission's Cost Share Committee for participation in the Commission's *Cost Share Program*; and

WHEREAS, on September 26, 2019, the Cost Share Committee approved the Entity's application to the *Cost Share Program* subject to the terms and conditions of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations in this Agreement, the parties agree as follows:

(1) PURPOSE: The purpose of this Agreement is to co-ordinate the participation by the Entity of City of Creve Coeur in the cost of the Commission's Project J6S3521.

(2) LOCATION: The transportation improvement that is the subject of this Agreement is contemplated at the following location:

Addition of a traffic signal and intersection widening on Route 67 at Old Olive Street Road and construct sidewalks and a multi-use trail along Old Olive that merge and cross Route 67 on the south side of the intersection.

The general location of the project is shown on attachment marked "Exhibit A" and incorporated herein by reference.

(3) AMENDMENTS: Any change in this Agreement, whether by modification or supplementation, must be accomplished by a formal contract amendment signed and approved by the duly authorized representatives of the Entity and the Commission.

(4) COMMISSION REPRESENTATIVE: The Commission's St. Louis (SL) District Engineer is designated as the Commission's representative for the purpose of administering the provisions of this Agreement. The Commission's representative may designate by written notice other persons having the authority to act on behalf of the

Commission in furtherance of the performance of this Agreement.

(5) ASSIGNMENT: The Entity shall not assign, transfer or delegate any interest in this Agreement without the prior written consent of the Commission.

(6) LAW OF MISSOURI TO GOVERN: This Agreement shall be construed according to the laws of the State of Missouri. The Entity shall comply with all local, state and federal laws and regulations relating to the performance of this Agreement.

(7) CANCELLATION: The Commission may cancel this Agreement at any time for a material breach of contractual obligations or for convenience by providing the Entity with written notice of cancellation. Should the Commission exercise its right to cancel this Agreement for such reasons, cancellation will become effective upon the date specified in the notice of cancellation sent to the Entity.

(8) PLANS AND CONSTRUCTION: With regard to project responsibilities under this Agreement, the parties agree to contribute as follows:

(A) The Entity shall follow the Local Public Agency (LPA) process.

(B) The Entity shall be responsible for the preparation of detailed right-of-way and construction plans and project specifications. This includes design, acquisition of right of way, relocation of utilities, letting of the project, and inspection of the project. The plans shall be prepared in accordance with and conform to the Commission's requirements, standards, and specifications. Said plans shall not be changed in concept or scope without prior written approval of the Commission.

(C) The Entity shall acquire any additional necessary right of way required for the project and in doing so agrees that it will comply with all applicable federal laws, rules and regulations, including 42 U.S.C. 4601-4655, the Uniform Relocation Assistance and Real Property Acquisition Act, as amended and any regulations promulgated in connection with the Act

(D) The Commission will review and approve the legal descriptions, which are required prior to the deeds being executed by property owners. Commission review of the parcels being acquired is required to ensure the Uniform Act was followed.

(E) The Commission will provide preliminary engineering review, right of way review and construction engineering review.

(F) The Entity shall be responsible for letting the work for the herein improvement, which includes advertising the project for bids and awarding the construction contract. The Entity shall solicit bids for the herein improvement in accordance with plans developed by the Entity, or as the plans may from time to time be modified in order to carry out the work as contemplated. The Entity shall not award the construction contract without obtaining Commission's written concurrence in the award.

The Entity shall submit all required bid concurrence documentation to the Commission at least two (2) weeks prior to the Commission Meeting in which the Entity seeks to request award. If the Entity does not comply with this provision, the Commission is under no obligation to continue with this project.

(G) The Entity shall secure all required federal, state, and local permits as required for design and construction of the improvements prior to entering onto the Commission right of way to perform any obligation under this Agreement, obtain any applicable permit from the Commission, unless the performance of such obligations under this Agreement would not ordinarily require a permit from the Commission.

(H) The Entity shall be responsible for construction of the herein improvements, which includes administration of the construction contract and inspection of the project work. The project shall be constructed in accordance with and conform to the current criteria, specifications and requirements established and adopted by the Commission and in accordance with the current applicable manuals and policies of the Commission and the Federal Highway Administration (FHWA), if applicable, which shall be furnished by the Commission upon request, and, absent the foregoing, with manuals and policies of the American Association of State Highway and Transportation Officials ("AASHTO").

(9) FINANCIAL RESPONSIBILITIES: With regard to work under this Agreement, the Entity agrees as follows:

(A) The estimated total cost of the Project is two million forty thousand five hundred dollars (\$2,040,500). The total project cost will include preliminary engineering, preliminary engineering review, right of way, right of way incidentals, right of way review, utilities, construction, construction engineering and construction engineering review. The details of the estimated costs breakdown are listed below and in "Exhibit B", which is attached and made part hereof.

(B) The Entity shall be responsible for fifty percent (50%) of the total project cost and all project cost overruns. The current estimate of the Entity's financial responsibilities is one million twenty thousand two hundred fifty dollars (\$1,020,250). The Entity agrees that the Commission may obligate eighty percent (80%) of the Entity's fifty percent (50%) responsibility up to one million one hundred sixty-four thousand and two hundred dollars (\$1,164,200) of Surface Transportation Block Grant (**STBG**) funds allocated by East West Gateway Council of Governments with Two hundred twenty-nine thousand eight hundred and forty dollars (\$229,840) available in federal fiscal year 2023 and nine hundred thirty-four thousand three hundred and sixty dollars (\$934,360) available in federal fiscal year 2024. Based on the current estimated Entity's 50% responsibility of one million twenty-thousand two hundred and fifty dollars (\$1,020,250), the STBG funds are estimated to be in the amount of eight hundred sixteen thousand and two hundred dollars (\$816,200). In the event, the actual STBG funds are less than the estimated STBG amount, the Entity shall be responsible to pay the difference between the estimated STBG amount and the actual STBG funds.

(C) The Commission will pay for fifty percent (50%) of the total project cost up to and not to exceed the maximum amount one million twenty thousand two hundred fifty dollars (\$1,020,250). Of this amount, the Commission will provide one million five thousand two hundred fifty dollars (\$1,005,250) from the Commission's Cost Share program with one hundred thirty five thousand two hundred dollars (\$135,200) available in State Fiscal Year 2021 and eight hundred seventy thousand fifty dollars (\$870,050) available in State Fiscal Year 2024 and preliminary engineering review, right of way review and construction engineering review services by MoDOT District personnel estimated to total fifteen thousand dollars (\$15,000). The Commission's Cost Share funds shall only be used on the State Highway System (SHS).

(D) The Entity shall be responsible for the balance of the project in excess of two million forty thousand five hundred dollars (\$2,040,500). The Entity shall be responsible for all costs of any work off the SHS. Underruns will be based on the pro rata share.

(E) The Entity may invoice the Commission monthly after the costs are incurred of a maximum of one hundred thirty five thousand two hundred dollars (\$135,200) beginning July 1, 2020 and a maximum of eight hundred seventy thousand fifty dollars (\$870,050) beginning July 1, 2023 or after the project is complete.

(10) COMMISSION RIGHT OF WAY: All improvements made within the state-owned right-of-way shall become the Commission's property, and all future alterations, modifications, or maintenance thereof, will be the responsibility of the Commission.

(11) VENUE: It is agreed by the parties that any action at law, suit in equity, or other judicial proceeding to enforce or construe this Agreement, or regarding its alleged breach, shall be instituted only in the Circuit Court of Cole County, Missouri.

(12) SOLE BENEFICIARY: This Agreement is made for the sole benefit of the parties hereto and nothing in this Agreement shall be construed to give any rights or benefits to anyone other than the Commission and the Entity.

(13) NO INTEREST: By contributing to the cost of this project or improvement, the Entity gains no interest in the constructed roadway or improvements whatsoever. The Commission shall not be obligated to keep the constructed improvements or roadway in place if the Commission, in its sole discretion, determines removal or modification of the roadway or improvements, is in the best interests of the state highway system. In the event the Commission decides to remove the landscaping, roadway, or improvements, the Entity shall not be entitled to a refund of the funds contributed by the Entity pursuant to this Agreement.

(14) AUTHORITY TO EXECUTE: The signers of this Agreement warrant that they are acting officially and properly on behalf of their respective institutions and have been duly authorized, directed and empowered to execute this Agreement.

(15) SECTION HEADINGS: All section headings contained in this Agreement are for the convenience of reference only and are not intended to define or limit the scope of any provision of this Agreement.

(16) ADDITIONAL FUNDING: In the event the Commission obtains additional federal, state, local, private or other funds to construct the improvement being constructed pursuant to this Agreement that are not obligated at the time of execution of this Agreement, the Commission, in its sole discretion, may consider any request by the Entity for an off-set for the deposited funds, a reduction in obligation, or a return of, a refund of, or a release of any funds deposited by the Entity with the Commission pursuant to this Agreement. In the event the Commission agrees to grant the Entity's request for a refund, the Commission, in its sole discretion, shall determine the amount and the timing of the refund. Any and all changes in the parties' financial responsibilities resulting from the Commission's determination of the Entity's request for a refund pursuant to this provision must be accomplished by a formal contract amendment signed and approved by the duly authorized representative of the Entity and the Commission.

(17) NO ADVERSE INFERENCE: This Agreement shall not be construed more strongly against one party or the other. The parties to this Agreement had equal access to, input with respect to, and influence over the provisions of this Agreement. Accordingly, no rule of construction which requires that any allegedly ambiguous provision be interpreted more strongly against one party than the other shall be used in interpreting this Agreement.

(18) ENTIRE AGREEMENT: This Agreement represents the entire understanding between the parties regarding this subject and supersedes all prior written or oral communications between the parties regarding this subject.

(19) VOLUNTARY NATURE OF AGREEMENT: Each party to this Agreement warrants and certifies that it enters into this transaction and executes this Agreement freely and voluntarily and without being in a state of duress or under threats or coercion.

(20) NOTICES: Any notice or other communication required or permitted to be given hereunder shall be in writing and shall be deemed given three (3) days after delivery by United States mail, regular mail postage prepaid, or immediately after delivery in person, or by facsimile or electronic mail addressed as follows:

Commission to: Missouri Department of Transportation
Attn: Thomas Blair
St. Louis District Engineer
1590 Woodlake Drive
Chesterfield, MO 63017
Facsimile No.: 573-522-6475
Email: thomas.blair@modot.mo.gov

Entity to: Matt Wohlberg
City Engineer
City of Creve Coeur
300 North New Ballas Road
Creve Coeur, MO 63141
Facsimile No.: 314-872-2505
Email: mwohlberg@crevecoeurmo.gov

or to such other place as the parties may designate in accordance with this Agreement.

(21) AUDIT OF RECORDS: The Entity must maintain all records relating to this Agreement, including but not limited to invoices, payrolls, etc. These records must be available at all reasonable times at no charge to the Commission and/or its designees or representatives during the period of this Agreement and any extension thereof, and for three (3) years from the date of final payment made under this Agreement.

(22) INDEMNIFICATION:

(A) To the extent allowed or imposed by law, the Entity shall defend, indemnify and hold harmless the Commission, including its members and department employees, from any claim or liability whether based on a claim for damages to real or personal property or to a person for any matter relating to or arising out of the Entity's wrongful or negligent performance of its obligations under this Agreement.

(B) The Entity will require any contractor procured by the Entity to work under this Agreement:

(1) To obtain a no cost permit from the Commission's district engineer prior to working on the Commission's right-of-way, which shall be signed by an authorized contractor representative (a permit from the Commission's district engineer will not be required for work outside of the Commission's right-of-way); and

(2) To carry commercial general liability insurance and commercial automobile liability insurance from a company authorized to issue insurance in Missouri, and to name the Commission, and the Missouri Department of Transportation and its employees, as additional named insureds in amounts sufficient to cover the sovereign immunity limits for Missouri public entities (\$500,000 per claimant and \$3,000,000 per occurrence) as calculated by the Missouri Department of Insurance, Financial Institutions and Professional Registration, and published annually in the Missouri Register pursuant to Section 537.610, RSMo.

(C) In no event shall the language of this Agreement constitute or be construed as a waiver or limitation for either party's rights or defenses with regard to each party's applicable sovereign, governmental, or official immunities and protections as provided by federal and state constitution or law.

(23) ROAD RELINQUISHMENT: The Entity agrees that it shall enter into a separate Road Relinquishment Agreement with the Commission, upon the Commission completing the items listed within paragraph (2) WORK BY COMMISSION of the Road Relinquishment Agreement and following the Entity's completion of this Project J6S3521, to transfer ownership and maintenance of Old Olive Street Road, approximately 0.75 miles, from the Commission to the Entity. According to the Road Relinquishment Agreement, the Commission will be responsible for surveying the right of way and the easements to be transferred and the development of a Location Survey Plan that serves as the recordable survey plat.

*Remainder of Page Intentionally Left Blank; Signatures and Execution Appear on
Following Page*

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below.

Executed by the Entity on 2020-12-22 | 11:38 AM PST (DATE).

Executed by the Commission on (DATE).

MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION

DocuSigned by:

5F6CCFE9D29E499...
Title Assistant Chief Engineer

CITY OF CREVE COEUR

DocuSigned by:

B1A1B776FBA34FC...
By
Title City Administrator

ATTEST:

DocuSigned by:

A4600CD7990249B...
Secretary to the Commission

ATTEST:

DocuSigned by:

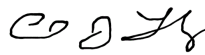
3BF7E95BA23D47C...
By
Title City Clerk

Approved as to Form:

DocuSigned by:

BA34EE9EF9E5407...
Commission Counsel

Approved as to Form:

DocuSigned by:

9D9AA7/E6CC8C43C...
Title: City Attorney

Ordinance No



Exhibit A



Exhibit B

Project Name: Route 67 and Old Olive Street Road Intersection

MoDOT Project Number: J6S3521

Description: Route 67 and Old Olive Street Road

Total Project Cost Estimate: \$2,040,500

Local Entity: City of Creve Coeur

	Current Estimate	Cost Share/Participation Eligible
Preliminary Engineering	\$195,000	\$195,000
Preliminary Engineering Review (MoDOT)	\$5,000	\$5,000
Right of Way Acquisition (including easements)	\$65,400	\$65,400
Right of Way Incidentals	\$20,000	\$20,000
Right of Way Review (MoDOT)	\$5,000	\$5,000
Utilities	\$142,500	\$142,500
Construction	\$1,430,600	\$1,430,600
Construction Engineering	\$172,000	\$172,000
Construction Engineering Review (MoDOT)	\$5,000	\$5,000
Total	\$2,040,500	\$2,040,500

Project Responsibilities:

Preliminary Engineering	Entity
Right of Way Acquisition	Entity
Letting	Entity
Construction Engineering	Entity

Financial Responsibilities:

District	\$15,000	0.7%
Cost Share Funds	\$1,005,250	49.3%
Entity	\$204,050	10%
STBG	\$816,200*	40%
Total:	\$2,040,500	100%

*Up to a maximum of \$1,164,200

How are overruns and underruns handled? The Entity shall be responsible for overruns on the project. Underruns will be based on the pro rata share.

BILL NO. 5853ORDINANCE NO. 5727

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CREVE COEUR, MISSOURI, AUTHORIZING THE EXECUTION OF A COST SHARE AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION TO ENABLE THE CITY TO CONSTRUCT A TRAFFIC SIGNAL AND RELATED IMPROVEMENTS AT THE INTERSECTION OF LINDBERGH BOULEVARD AND OLD OLIVE STREET ROAD.

WHEREAS, the City of Creve Coeur has adopted the 39 North Master Plan and the Old Olive Street Road Great Street Plan as guides for the physical and economic development of the area; and

WHEREAS, the addition of a traffic signal and pedestrian connections at the intersection of Lindbergh Boulevard (US 67) and Old Olive Street Road (State project J6S3521) is considered to be the critical first step toward achieving the Old Olive Street Road Great Street Plan; and

WHEREAS, the City has been awarded grant funding through the State of Missouri's Cost Share Program to assist with the cost of the design, easement acquisition, and construction of these intersection improvements; and

WHEREAS, the attached exhibit is an agreement between the City and the Missouri Highways and Transportation Commission regarding the responsibilities and requirements of the Cost Share Program.

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

SECTION 1. The Cost Share Agreement, between the Missouri Highways and Transportation Commission and the City, regarding the construction of pavement, sidewalk, and signal improvements to the intersection of Lindbergh Boulevard at Old Olive Street Road, attached hereto, is hereby approved and the City Administrator is authorized to execute same on behalf of the City and the City Clerk is authorized and directed to attest thereto. The Agreement as executed shall be substantially in the form of the Cost Share Agreement, with such changes therein as shall be approved by the officers of the City executing same, consistent with the provisions and intent of this Ordinance. The City Administrator and his designated representatives are hereby authorized and directed to take any and all actions necessary, desirable, convenient or proper in order to carry out the intent of this Ordinance, the matters herein authorized, and the rights and duties of the City under the Cost Share Agreement.

SECTION 2. This ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter.

ADOPTED THIS 14th DAY OF December, 2020.

DocuSigned by:



HEATHER SILVERMAN
PRESIDENT OF CITY COUNCIL

APPROVED THIS 14th DAY OF December, 2020.

DocuSigned by:



BARRY GLANTZ
MAYOR

ATTEST:

DocuSigned by:



DEBORAH RYAN, MPCC
CITY CLERK



Certificate Of Completion

Envelope Id: B17CD488182B4201BA0292437AF760D5

Status: Completed

Subject: Please DocuSign: 2019-10-53846.pdf

Source Envelope:

Document Pages: 11

Signatures: 6

Certificate Pages: 6

Initials: 0

AutoNav: Enabled

Envelopeld Stamping: Enabled

Time Zone: (UTC-06:00) Central Time (US & Canada)

Envelope Originator:

Carol S. Kliethermes

1860 Michael Faraday Drive

Suite 100

Reston, VA 20190

Carol.Kliethermes@modot.mo.gov

IP Address: 168.166.80.221

Record Tracking

Status: Original

12/9/2020 11:07:46 AM

Holder: Carol S. Kliethermes

Carol.Kliethermes@modot.mo.gov

Location: DocuSign

Signer Events

Carl Lumley

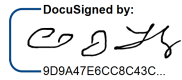
clumley@chgolaw.com

City Attorney

Security Level: Email, Account Authentication
(Optional), Access Code

Signature

DocuSigned by:



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Electronic Record and Signature Disclosure:

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Mark Perkins

mperkins@crevecoeurmo.gov

City Administrator

Security Level: Email, Account Authentication
(Optional), Access Code

DocuSigned by:



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Electronic Record and Signature Disclosure:

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deborah ryan

dryan@crevecoeurmo.gov

City Clerk

Security Level: Email, Account Authentication
(Optional), Access Code

DocuSigned by:



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Signature Adoption: Pre-selected Style
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Megan Waters Hamblin

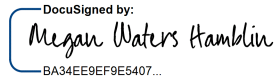
Megan.Waters-Hamblin@modot.mo.gov

Senior Administrative Counsel

Missouri Department of Transportation

Security Level: Email, Account Authentication
(Optional)

DocuSigned by:



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Signature Adoption: Pre-selected Style
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Signed: 12/22/2020 3:43:49 PM

Electronic Record and Signature Disclosure:

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Signer Events

Eric Schroeter
 Eric.Schroeter@modot.mo.gov
 Assistant Chief Engineer
 Missouri Department of Transportation
 Security Level: Email, Account Authentication
 (Optional)

Signature

DocuSigned by:

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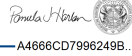
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Electronic Record and Signature Disclosure:
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Pamela J. Harlan - MHTC
 Pamela.Harlan@modot.mo.gov
 Secretary to the Commission
 Missouri Department of Transportation
 Security Level: Email, Account Authentication
 (Optional)

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Electronic Record and Signature Disclosure:
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In Person Signer Events**Signature****Timestamp****Editor Delivery Events****Status****Timestamp****Agent Delivery Events****Status****Timestamp****Intermediary Delivery Events****Status****Timestamp****Certified Delivery Events****Status****Timestamp****Carbon Copy Events****Status****Timestamp**

Matt Wohlberg
 mwohlberg@crevecoeurmo.gov
 Security Level: Email, Account Authentication
 (Optional), Access Code

Electronic Record and Signature Disclosure:
 Not Offered via DocuSign

Dana Kaiser
 Dana.Kaiser@modot.mo.gov
 Senior Executive Assistant
 Missouri Department of Transportation
 Security Level: Email, Account Authentication
 (Optional)

Electronic Record and Signature Disclosure:
 Not Offered via DocuSign

Jennifer L. Jorgensen
 Jennifer.Jorgensen@modot.mo.gov
 Asst Secretary to the Commission
 MoDOT
 Security Level: Email, Account Authentication
 (Optional)

Electronic Record and Signature Disclosure:
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COPIED

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Electronic Record and Signature Disclosure: Not Offered via DocuSign		

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Notary Events	Signature	Timestamp
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Completed	Security Checked	12/23/2020 10:33:12 AM

Payment Events	Status	Timestamps
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Electronic Record and Signature Disclosure
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**Missouri Highways and Transportation Commission
DocuSign, Inc. Express Electronic Signature Agreement**

The Missouri Highways and Transportation Commission (hereinafter, Commission), acting by and through the Missouri Department of Transportation (MoDOT) is willing to provide to the Authorized Representative of the Contractor/Vendor/Consultant (Entity) who is duly authorized to act on behalf of said Entity (hereinafter you or I) and accept from you your electronically affixed authorized signature and seal, as required to validate a binding agreement between the Commission and the Entity, on all Commission/MoDOT documents, including but not limited to disclosures, agreements, contracts, notices, purchase orders, change orders, modifications, amendments, supplements, correspondence, and the like, (hereinafter, Commission Documents) that are processed, generated, and exchanged by and between the Commission and you, acting on behalf of the Entity, electronically through the utilization of the DocuSign, Inc. Express (DocuSign) eSignature Application. In consideration of mutual covenants, you agree as follows:

- 1) You are the person duly authorized and designated by the Entity to receive, access and agree to the terms of this agreement on behalf of the Entity by clicking the Agree button below.
- 2) You have the authority to specifically consent and agree that the Commission, in its discretion, provide all disclosures, agreements, contracts, notices, purchase orders, change orders, modifications, amendments, supplements, correspondence, and all other evidence of the transaction between the Commission and the Entity electronically (hereinafter all such documentation is referred to as electronic record(s)).
- 3) The email address, User ID and password authorized to access the electronic agreement via DocuSign are your own and are not shared with any other person.
- 4) All of the required notices and disclosures will be sent to the email address authorized through DocuSign.
- 5) You are duly authorized to receive electronically through DocuSign, access and act upon all electronic records, to provide all required information and electronically affix your signature and seal, as applicable, on behalf of the Entity named in such Commission Documents via DocuSign,.
- 6) The system through which you are accessing DocuSign and its eSignature Application meets the minimum requirements to access DocuSign, view, receive, retrieve, download, print, store, send and transmit all electronic records and any and all other communications sent to you from the Commission through the DocuSign web site.
- 7) All communications in electronic format from the Commission to you through DocuSign are considered in-writing. You have the ability to download and print any documents processed through DocuSign for 30 calendar days after such documents are first sent, as long as you are an authorized user of the DocuSign system. After such time, you may request copies by contacting the Commission through the Secretary to the Commission at mhtc@modot.mo.gov or by telephone at 573-751-2824. You shall print or download for your records a copy of any communication that is important to you to retain.
- 8) You have implemented appropriate security measures to ensure that only you have access through DocuSign to receive, access and electronically affix signatures to electronic records, as applicable, Commission/MoDOT sends to you through DocuSign. It is your sole responsibility to ensure your adequate protection, confidentiality and secrecy of the DocuSign Authentication Code, and any other user ID and/or Password combinations that may be required for you to access the DocuSign eSignature services and any disclosure thereof to any other person or

communication thereof through unsecure medium, such as traditional electronic mail, shall be entirely at your risk. You shall be liable for any unauthorized usage of your ID/Password combination and the DocuSign Authentication Code.

9) You agree and authorize the Commission to respond to and act upon any and all transactions initiated and transmitted by you electronically through DocuSign. Any transaction initiated and transmitted by you to the Commission through DocuSign and its eSignature application shall be deemed to have been authorized by you, and the Commission is entitled to assume that the said transactions are so authorized by you and the Commission shall be protected upon acting thereon.

10) You shall be fully liable to the Commission for every transaction entered into using a valid DocuSign Authentication Code sent to you through certified mail, telephone call or Short Message Service (SMS) text, with or without your knowledge. In no event will the Commission be liable to you for any special, direct, indirect, consequential or incidental loss or damages even if you have advised the Commission/MoDOT of such possibility. The Commission shall not be liable for any misuse, if any, of any data placed on the internet by third parties hacking or accessing the application and hosting server without authorization.

11) The Entity shall take responsibility for all the transactions with the Commission conducted electronically through DocuSign and will abide by the record of the transactions generated by DocuSign or by the Commission/MoDOT through DocuSign. Further such record of transactions shall be conclusive proof and binding for all purposes and may be used as conclusive evidence in any proceedings. All records of the Commission and DocuSign, whether in electronic form, magnetic medium, documents or any other form, with respect to electronic transactions sent or received through use of DocuSign shall be conclusive evidence of such transactions and shall be binding on the Entity.

12) The Commission/MoDOT shall not be liable for any loss or damage whatsoever caused, arising directly or indirectly, in connection with the services and /or this Agreement, including without limitation any: (A) Loss of data; and (B) Interruption or stoppages to your access to DocuSign and its eSignature application and/or processing of electronic transactions due to any operational or technical difficulties/reason beyond our control for any other reason. The Commission, along with its members, employees, agents, executors, successors and assigns shall not be liable for any damages or claims or injuries arising out of or in connection with the use of DocuSign and its eSignature application or its non-use including non-availability or failure of performance, loss or corruption of data, loss of or damage to property (including profit and goodwill), work stoppage, computer failure or malfunctioning or interruption of business, error, omission, deletion, defect, delay in operation or transmission, communication line failure or for any failure to act upon electronic transaction for any cause.

13) You shall keep confidential all information, in whatever form, produced, prepared, observed or received by you to the extent that such information is confidential by law or otherwise required by the Commission.

14) This Agreement and the rights and obligations of the parties hereto shall be governed by, and construed according to, the laws of the State of Missouri. It is agreed by the parties that any action at law, suit in equity, or other judicial proceeding to enforce or construe this Agreement, or regarding its alleged breach, shall be instituted only in the Circuit Court of Cole County, Missouri.

15) The terms of this agreement and any amendments thereafter shall remain in full force and effect for as long as DocuSign is active, or by thirty (30) days written notification by either party

of their intent to cancel this agreement.

By checking the I Agree button, I confirm that:

1. I am the person named in the documents to which I will electronically affix my signature; that I am authorized to sign such documents on behalf of the Entity named in the documents; that I will read and know the contents of such electronically signed documents including all exhibits attached thereto, and that the statements made therein are true, and that I will not omit any information needed to make such documents true; and that I will take appropriate security measures to insure that I have sole access to the documents sent to me by the Commission and MoDOT through the email address provided on DocuSign.
2. I and the Entity shall indemnify and save harmless the Commission, its members, employees, officers, successors, assigns, agents and representatives against any and all claims, losses, damages, costs, liabilities and expense actually incurred, suffered or paid by the Commission, its members, employees, officers, successors, assigns, agents and representatives, directly or indirectly, and also against all demands, actions, suits, proceedings made, filed, instituted against the Commission, its members, employees, officers, successors, agents and representatives in connection with, or arising out of, or relating to the Commission accepting and acting or not accepting and not acting for any reason whatsoever pursuant to, in accordance with or relying upon, data received, through DocuSign and its eSignature application you or any unauthorized use of your ID/Password combination, the DocuSign Authentication Code, or the DocuSign eSignature application.
3. I agree to the DocuSign, Inc. Express (DocuSign) Electronic Signature Agreement terms and conditions outlined above.

BILL NO. 5995

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CREVE COEUR, MISSOURI, AUTHORIZING THE EXECUTION OF A SUPPLEMENTAL AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION TO ENABLE THE CITY TO CONSTRUCT A TRAFFIC SIGNAL AND RELATED IMPROVEMENTS AT THE INTERSECTION OF LINDBERGH BOULEVARD AND OLD OLIVE STREET ROAD.

WHEREAS, the City of Creve Coeur has adopted the 39 North Master Plan and the Old Olive Street Road Great Street Plan as guides for the physical and economic development of the area; and

WHEREAS, the addition of a traffic signal and pedestrian connections at the intersection of Lindbergh Boulevard (US 67) and Old Olive Street Road (State Project J6S3521) (the Intersection Project) is considered to be the critical first step toward achieving the Old Olive Street Road Great Street Plan; and

WHEREAS, the City has been awarded federal grant funding through the Surface Transportation Block Grant program (STP Program) and the State of Missouri's Cost Share Program (State Cost Share Program) to assist with the cost of the design, easement acquisition, construction, and construction inspection of the Intersection Project; and

WHEREAS, the City has been awarded state grant funding through the Governor's Transportation Cost-Share Program (Governor's Program) to assist with the construction costs associated with the Intersection Project; and

WHEREAS, the City Council of the City of Creve Coeur authorized the execution of a Program Agreement with the Missouri Highways and Transportation Commission regarding the responsibilities and requirements of the Cost Share Program through Ordinance 5727 in December 2020; and

WHEREAS, a Supplemental Program Agreement is now necessary to incorporate the STP Program and the Governor's Program into the funding package for the Intersection Project.

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

SECTION 1. The First Supplemental Agreement to the Cost Share Agreement, between the Missouri Highways and Transportation Commission and the City, regarding the construction of pavement, sidewalk, and signal improvements to the intersection of Lindbergh Boulevard at Old Olive Street Road, attached hereto as "Exhibit One," is hereby approved and the City Administrator is authorized to execute same on behalf of the City and the City Clerk is authorized and directed to attest thereto. The Agreement as executed shall be substantially in the form of Exhibit One, with such changes therein

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ORDINANCE NO. _____

as shall be approved by the officers of the City executing same, consistent with the provisions and intent of this Ordinance. The City Administrator and his designated representatives are hereby authorized and directed to take any and all actions necessary, desirable, convenient, or proper in order to carry out the intent of this Ordinance, the matters herein authorized, and the rights and duties of the City under the Agreement.

SECTION 2. This ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter.

ADOPTED THIS ____ DAY OF _____ 2022.

HEATHER SILVERMAN
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____ 2022.

DR. ROBERT HOFFMAN
MAYOR

ATTEST:

KELLIE HENKE
CITY CLERK

BILL NO. 5996 _____

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 140, FINANCES, OF THE CODE OF ORDINANCES
FOR THE CITY OF CREVE COEUR**

WHEREAS, the City Council of the City of Creve Coeur, Missouri has determined that it is necessary to revise the provisions of the Code of Ordinances regarding Section 140.010 purchasing and sales policy, Section 140.030 general guidelines, Section 140.050 financial reports, Section 140.060 investments and Section 140.070 city administrator's supplement to the city purchasing and sales policy;

WHEREAS, the City desires to improve the efficiency and effectiveness of its purchasing policy and procedures; and

WHEREAS, in order to improve its purchasing process certain changes to the current city code are necessary;

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Creve Coeur, Missouri, as follows:

Section 1. Section 140.010.B, Definitions of Departments and Requisition, in the Code of Ordinances are amended (all other definitions to remain unchanged) to read as follows:

SECTION 140.010 PURCHASING AND SALES POLICY

B. Definitions.

Departments – Includes legislative, legal, administration, finance, police, parks and recreation, community development and public works, purchasing and personnel.

Requisition – An internal document by which a department enters details of supplies, services or material required to the Finance Department, including documentation of authority to commit funds for the purchase, into the financial software for approval.

Section 2. Section 140.030, subsections B.1, B.2, B.8(introductory clause and subsections b and g), E title and E1, F title and F2, G3 and L, in the Code of Ordinances are amended (all other subsections to remain) to read as follows:

SECTION 140.030 GENERAL GUIDELINES:

B.1. Purchasing with material value from zero dollars (\$0.00) to two thousand four hundred ninety-nine dollars (\$2,499.00). Whenever any contemplated purchase or contract for services is under two thousand five hundred dollars (\$2,500.00) and within budget, the City may order the item or items as needed without any further formality. It is the responsibility of each department director to ensure control over this process. Final approval of the purchase or contract shall be by the department director. No quotes are

necessary and no purchase order is required.

B. 2. Purchases with material value from **two** thousand five hundred dollars (\$2,500.00) to seven thousand four hundred ninety-nine dollars (\$7,499.00). Whenever any contemplated purchase or contract for services are within this range and budget, at least three (3) informal written bids for the items or services shall be submitted in bid form. The City may purchase items or contract for services from the lowest responsible bidder whenever reasonably possible. **All received bid documentation will be uploaded to the winning vendor's file in the financial software system. No purchase order is required.**

B. 8. Exempt Purchases. The following purchases, by their very nature, are exempt from the normal purchasing guidelines, **do not require a purchase order** and require the special procurement practices set forth in subsequent Sections of this Chapter:

b. **State of Missouri Cooperative purchasing agreement or** Other Cooperative purchasing agreements.

g. **Payments to risk management pools, employee benefit payments (note: health insurance requires bidding every three years per 67.150 RSMo), debt service payments and maintenance contracts, i.e., software maintenance, associated with items already purchased by the City. At times there may be an item that is unable to be processed through a purchase order based upon varying circumstances and those situations shall receive Finance Director approval to proceed without going through the purchase order guidelines and procedures. A purchase of a good or service shall not be made until it has been approved, unless the procedures for an emergency purchase have been followed.**

E. **State of Missouri Cooperative agreement or** Other Cooperative agreements.

1. The City may contract directly with the **State of Missouri** or other governmental entities for the purchase of items. The City may also participate in, sponsor, conduct or administer a cooperative purchasing agreement whereby items are procured in accordance with a contract established by the **State of Missouri** or another governmental entity provided that such contract was established in accordance with the laws and regulations applicable to the establishing governmental entity.

F. Term and Supply and Annual Contracts – ~~Open Purchase Orders.~~

2. Once such a contract is approved, specific purchases within budget should be made on an "as-needed" basis without further bidding while the contract remains open, unless and until the City terminates the contract. Any department that believes such a contract is no longer competitive should provide such information to the Finance Director. **All contracts with supporting documentation (including resolutions, insurance, bonds) must be entered and managed in the financial software system.**

G. Professional Services Contracts.

3. Upon approval of the Finance Director and City Administrator, professional services contracts under **nineteen thousand nine hundred ninety-nine dollars (\$19,999.00)** may be exempt from the request for proposal process.

L. Disposal of Surplus Goods. The City should promptly dispose of all surplus property to the economic advantage of the City. Competitive bidding on surplus, obsolete or unusable goods is required through sealed bids, auction, open market sales or other available means. The disposal of all such goods requires the approval of the City Administrator; additional approval by the City Council is required for goods in excess of **twenty-four thousand nine hundred ninety-nine dollars (\$24,999.00)** in total material value. Trade-in opportunities should be pursued when available to reduce the City's purchasing costs.

Section 3. Section 140.050, subsection B, in the Code of Ordinances is repealed, as follows:

SECTION 140.050 FINANCIAL REPORTS.

~~B. For the purposes of financial reports, any encumbrances or contracted financial commitment in excess of two thousand dollars (\$2,000.00) shall be reflected as an expense during the month and fiscal year in which it is incurred. Any such encumbrance shall be deducted from any cash balance to reflect an accurate accounting uncommitted funds. Encumbrances shall not lapse at year end.~~

Section 4. Section 140.060, subsection B, in the Code of Ordinances is amended (all other subsections to remain) to read as follows:

SECTION 140.060 INVESTMENTS.

B. The City Council shall designate a City depository for handling any City checking account at least once every **five (5)** years.

Section 5. Section 140.070, subsections A1-A3, in the Code of Ordinances are amended (all other subsections to remain) to read as follows:

SECTION 140.070 CITY ADMINISTRATOR'S SUPPLEMENT TO CITY PURCHASING AND SALES POLICY.

A. 1. After approval of a requisition **in the financial software system, the requesting department will complete the requisition process which will create the purchase order.** In order to ensure expeditious processing of purchase orders, it is important that the requisition be completed accurately by the requisitioning department. When applicable, a copy of City Council approval action shall be attached to the requisition.

2. *"purchase order"* is an offer to make a contract between the City and a vendor. The contract is not binding until it is accepted by the vendor. The issuance of purchase orders or direct purchases by unauthorized individuals or any other unauthorized

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purchase (including, but not limited to, personal expenses) will not be recognized by the City and payment for these obligations will not be approved. Purchase orders in excess of **seven thousand five hundred dollars (\$7,500)** must be approved by the City Administrator.

3. The **requisition and purchase order will be retained in the financial software system no less than what is required by the State of Missouri's local government records retention schedule.**

SECTION 6: This Ordinance shall take effect in accordance with Section 3.11(g) of the Charter.

ADOPTED THIS _____ DAY OF _____, 2022.

HEATHER SILVERMAN
PRESIDENT, CITY COUNCIL

APPROVED THIS _____ DAY OF _____, 2022.

DR. ROBERT HOFFMAN
MAYOR

ATTEST:

KELLIE HENKE
CITY CLERK



MEMORANDUM

DATE: November 1, 2021

TO: Mark Perkins, City Administrator

FROM: Lori Obermoeller, Director of Finance

SUBJECT: Purchasing Policy Changes

The attached ordinance will make the following changes to Chapter 140 Finances of the City Charter:

- Update the definition of Departments to include legislative, legal and administration.
- Update the definition of Requisition to reference a financial software system process rather than a manual process of hand printing and physically sending to the finance department.
- Correct some misspellings and other minor imperfections.
- Change the minimum amount required for informal bids from \$1,500 to \$2,500.
- Eliminate the need for a Purchase Order (PO) for purchases between \$2,500 and \$7,499. The general purpose of a PO is to recognize a contract between the City and a vendor, verify the purchase has been created by the authorized personnel and to make sure all amounts paid by the City are within the contractual agreement. POs are a great option when we need more than an invoice, such as a contract, but because items less than \$7,500 generally don't need a contract, it is not necessary to go through the PO process. Informal bids will still be required and uploaded to the winning vendor's file in the financial software system, but created a PO is not necessary.
- Eliminate the need for a PO for all Exempt Purchases (ex. sole-source, fuel purchases, professional services, term & supply and annual contracts, emergency purchases, employee benefits, debt service payments, maintenance contracts for already purchased items).
- Include State of Missouri Cooperative Purchasing Agreements in addition to Cooperative Purchasing Agreements.
- Reorganize Section 140.030 General Guidelines B. 8. Exempt Purchases, so the following Section D – I, are in the same order as the exempt purchases listed in B.8.
- Require all Contracts with supporting documentation (resolution, insurance, bonds, etc.) to be entered and managed in the financial software system.
- Make the disposal of surplus goods match what goes to council for purchases (\$25K or more instead of \$20K or more).
- Eliminate encumbrances from being displayed on the financial reports since we no longer do this.
- Update the city's depository to require proposals every 5 years instead of every 3 years, since this will allow for better pricing, and the City has the ability to terminate if necessary.
- Re-enforce the entry of a requisition in the financial software system and not through a manual printing and submission process.
- Include all requisitions and purchase orders be retained in the financial software system no less than what is required by the State of Missouri's local government records retention schedule.

- Change Professional Services Contracts approval for the Finance Director and City Administrator from \$10,000 to \$20,000 since the cost of professional services has risen substantially since the code section was last revised.

A red-lined version of the recommended changes is also attached. I'd be happy to answer any questions.

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

Chapter 140

Finances

Charter References — Financial procedure, §§9.1 et seq.

Section 140.010 **Purchasing and Sales Policy.**

[R.O. 2008 §2-216; Ord. No. 829 §1, 12-12-1977; Ord. No. 4000 §1, 1-9-2006; Ord. No. 5089 §1, 6-22-2009]

A. *Purchasing And Sales Policy.*

1. *Purpose.* The purpose of this Chapter is to establish guidelines regarding purchases made by the City and the sale of City property in order to maximize the value realized for each public dollar spent and for public property.
2. *Scope.* This Chapter is applicable to all purchasing for the City and the sale of any City property outside the scope of ordinary services.
3. *Basic goals.* The basic goals of the City are:
 - a. To comply with all applicable legal requirements.
 - b. To assure vendors and buyers that impartial and equal treatment will be afforded to all who wish to do business with the City.
 - c. To maximize the value realized for each public dollar spent and for public property.
 - d. To obtain goods and services at the time and place needed in the proper quantity and quality.
 - e. To purchase only goods and services for which funds have been approved and not previously encumbered.
 - f. To sell or lease property that is no longer necessary or useful to the City and that can be better used by the private sector.
 - g. To promote environmentally sustainable practices by including environmental considerations in purchasing decisions.

If the procedures and guidelines established in this Chapter are followed, each department should efficiently manage, control and plan its available resources to meet present and future departmental needs and help the City meet its goals.

B. *Definitions.* The following terms shall be defined as stated for purposes of this Chapter:

APPROPRIATION

The legal authorization of monies for anticipated or incurred expense.

BUDGET

A document which sets forth proposed revenues and expenses to be incurred during a fiscal year for the various City operations.

CAPITAL EXPENDITURE

Any project included in the capital improvements account within the annual budget, but shall not include items within the capital outlay for any department, division or agency budget.

CONSTRUCTION

The process of building, altering, repairing, improving or demolishing any public structure or facility or other public improvement of any kind.

CONTRACT

A legally binding promise enforceable by law and, generally, in writing.

DEPARTMENTS

Includes [legislative](#), [legal](#), [law](#), [administration](#), finance, police, parks and recreation, community development and public works, purchasing and personnel.

ENCUMBRANCE

The reservation of monies to meet a prior financial commitment.

ENVIRONMENTALLY PREFERABLE PRODUCTS

Commodities and services that carry the certification or label of one (1) of the following national independent environmental certifying programs:

EPEAT (Electronic Product Environmental Assessment)

Energy Star

Environmental Choice (Canada EcoLogo)

Forest Stewardship Council

Green Guard for Children and Schools

Green Seal

Green-e

USDA Organic

or that assume one (1) or more of the following qualities to a greater degree than comparable commodities and services:

Biobased

Biodegradable

Carcinogen-free

Chlorofluorocarbon (CFC-free)

Compostable

Durable or reusable, as opposed to single-use or disposable

Energy efficient

Heavy metal free (e.g., no lead, mercury, cadmium)
 Less hazardous
 Low volatile organic compound (VOC) content
 Low-toxicity
 Made from rapidly renewable materials
 Persistent, bioaccumulative toxic (PBT)-free
 Procured from vendors and contractors that follow green policies in their own operations
 Produced locally or regionally (to minimize environmental costs associated with shipping)
 Recyclable
 Recycled content
 Reduced greenhouse gas emissions
 Reduced packaging, especially polystyrene
 Refurbished
 Resource efficiency
 Upgradeable
 Water efficient

EXISTING PURCHASING CONTRACT

A contract previously entered into by the City and currently existing including, but not limited to, a term-and-supply contract, an annual contract, a maintenance contract and a warranty contract.

FORMAL WRITTEN BID

A competitive bid for supplies and services must be submitted in response to an advertised request in a prescribed format pursuant to applicable instructions, including typically that the bid be submitted in a sealed format to be opened in public at a specified time.

[Ord. No. 5609, 10-10-2018]

INFORMAL WRITTEN BID

A competitive bid for supplies or services conveyed to the City in writing, generally without prior advertising, pursuant to applicable instructions.

[Ord. No. 5609, 10-10-2018]

ITEM

A product, material or service.

MATERIAL VALUE

The value of an item to be purchased or sold, to be determined in the first (1st) instance by the department director.

PROCUREMENT

Purchasing, renting, leasing or otherwise acquiring any supplies, services, property or construction, including performance of any necessary functions such as writing specifications, selection and solicitation of sources, preparation and award of contract and contract administration.

QUOTATION

A statement of price, terms of sale and description of property, goods or services offered by a vendor to a prospective purchaser by letter, fax, telephone or other means of communication.

REQUISITION

An internal document by which a department ~~sends~~ [enters](#) details of supplies, services or material required to the Finance Department, including documentation of authority to commit funds for the purchase, [into the financial software for approval](#).

SCOPE OF SERVICES

A detailed description of the tasks to be performed.

SPECIFICATIONS

A description of the environmental, physical or functional characteristics or of the nature of a supply, service, property or construction item; the requirements to be satisfied by a product or process; indicating, if appropriate, the procedures to determine whether the requirements are satisfied and/or the capabilities and performance characteristics that the item must satisfy.

Section 140.020 **Payments.**

[R.O. 2008 §2-217; Ord. No. 829 §4(B)(3), 12-12-1977; Ord. No. 4000 §2, 1-9-2006; Ord. No. 5089 §2, 6-22-2009]

- A. The City Administrator shall have the discretion to direct payment of an invoice so long as the funds have been appropriated and the transaction was approved in compliance with Section **140.030**. Any other invoice shall require review and approval by the City Council prior to payment.
- B. At each regularly scheduled City Council meeting, the City Administrator shall present a listing of all invoices which have been received since the previous regular City Council meeting.

Section 140.030 **General Guidelines.**

[R.O. 2008 §2-218; Ord. No. 829 §5, 12-12-1977; Ord. No. 2130 §1, 6-11-2001; Ord. No. 4000 §3, 1-9-2006; Ord. No. 5089 §3 — 4, 6-22-2009]

A. *General Guidelines.*

1. *Local and regional buying preferences.* It is the desire of the City to purchase from Creve Coeur, Missouri, and/or American vendors whenever possible. When all other factors are equal, preference shall be provided to Creve Coeur vendors first (1st), Missouri vendors second (2nd) and American vendors third (3rd). To be considered a Creve Coeur vendor, the person or entity must have a physical place of business located in the City and a City business license. To be considered a Missouri vendor, the person or entity must have a physical place of business in the State and authority to conduct business in the State. To be considered an American vendor, the person or entity must have a physical place of business in the country and authority to conduct business in the country. Every contract for public works construction or maintenance in excess of one thousand dollars (\$1,000.00) shall contain the following provision: "The contractor is requested to use American products in the performance of this contract whenever the quality and price are comparable with other goods."
2. *Environmental preference.* The City shall prefer environmentally preferable products in all purchasing decisions; however, nothing in this Section shall be construed as requiring the City to procure products

or services that are inferior in quality, do not perform adequately for their intended use, exclude adequate competition, are not available at a reasonable price in a reasonable period of time, or exclude the consideration described under Subsection (9) below.

All requests for proposals and bids shall contain the following provision: "Environmentally-friendly buying preferences: The City of Creve Coeur promotes environmentally sustainable practices by purchasing environmentally preferable products when cost, quality, variety, quantity, delivery time and any other defined specifications are not significantly inferior to competing commodities and services. Whenever possible, proposals shall provide applicable information relating to how the vendor's product is environmentally preferable. Environmentally preferable products are commodities or services that carry the certification of one (1) of the following national independent environmental certifying programs:

EPEAT (Electronic Product Environmental Assessment)

Energy Star

Environmental Choice (Canada EcoLogo)

Forest Stewardship Council

Green Guard for Children and Schools

Green Seal

Green-e

USDA Organic

or that assume one (1) or more of the following qualities to a greater degree than comparable commodities and services:

Biobased

Biodegradable

Carcinogen-free

Chlorofluorocarbon (CFC-free)

Compostable

Durable or reusable, as opposed to single-use or disposable

Energy efficient

Heavy metal free (e.g., no lead, mercury, cadmium)

Less hazardous

Low volatile organic compound (VOC) content

Low-toxicity

Made from rapidly renewable materials

Persistent, bioaccumulative toxic (PBT)-free

Procured from vendors and contractors that follow green policies in their own operations

Produced locally or regionally (to minimize environmental costs associated with shipping)

Recyclable

Recycled content

Reduced greenhouse gas emissions

Reduced packaging, especially polystyrene

Refurbished

Resource efficiency

Upgradeable

Water efficient"

3. *Planning.* Small orders and last-minute purchases should be minimized, thereby increasing the

capability of each department to purchase its goods and services in larger quantities in order to obtain the maximum discounts possible.

4. *Overdrafts prohibited.* No purchase will be authorized which would overdraft a budgetary line item account in the absence of approval from the City Administrator or City Council as provided in Sections 9.8 and 9.9 of the City Charter.
5. *Buying proper quality.* It is the duty of the requisitioning department to secure the best quality for the purpose intended. "Quality buying" is the buying of goods or services that will meet or exceed the requirements for which they are intended. The environmental characteristics of a service or product shall not be excluded from determination of proper quality.
6. *Sales tax.* The City is generally exempt from paying local and State sales taxes and Federal excise taxes (except for motor fuels). The Finance Department can provide the necessary exemption documents to any vendor upon request.
7. *Endorsements.* It is the policy of the City not to endorse or in any way permit an employee's name, position or the City's name to be used and advertised as supporting a product or vendor.
8. *Personal purchases.* Purchases for personal use by employees by the City are prohibited. City employees are also prohibited from using the City's name or the employee's position to obtain special consideration in personal purchases.
9. *Lowest and best bidder.* Contracts for purchases shall be awarded to the lowest and best bidder. In determining the "lowest and best bidder", in addition to price, the City will consider, when applicable, these considerations:
 - a. Whether or not the commodity or service is "environmentally preferable" as defined in Subsection **140.010(B)**.
 - b. The life-cycle cost and return on investment of a commodity or service, in addition to the initial cost.
 - c. The ability, capacity and skill of the bidder to perform the contract or provide the service required.
 - d. Whether the bidder can perform the contract or provide the service promptly or within the time specified without delay or interference.
 - e. The character, integrity, reputation, judgment, experience and efficiency of the bidder.
 - f. The quality of performance of previous contracts or services.
 - g. The previous and existing compliance by the bidder with applicable laws.
 - h. The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service.
 - i. The quality, availability and adaptability of the supplies or contractual services to the particular use required.

- j. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract.
 - k. The number and scope of conditions attached to the bid.
 - l. Any other pertinent factor.
- B. Purchasing Procedures. No purchase or contracts for services or supplies paid from funds of the City, shall be made by any officer, employee or agent of the City, or City Administrator, except in the manner hereinafter set forth. **[Ord. No. 5609, 10-10-2018]**
- 1. Purchases with material value from zero dollars (\$0.00) to ~~one-two~~ thousand four hundred ninety-nine dollars (\$~~12~~,499.00). Whenever any contemplated purchase or contract for services is under ~~one-two~~ thousand five hundred dollars (\$~~12~~,500.00) and within budget, the City may order the item or items as needed without any further formality. It is the responsibility of each department director to ensure control over this process. Final approval of the purchase or contract shall be by the department director. No quotes are necessary and no purchase order is required.
 - 2. Purchases with material value from ~~one-two~~ thousand five hundred dollars (\$~~12~~,500.00) to seven thousand four hundred ninety-nine dollars (\$7,499.00). Whenever any contemplated purchase or contract for services are within this range and budget, at least three (3) informal written bids for the items or services shall be submitted in bid form. The City may purchase items or contract for services from the lowest responsible bidder whenever reasonably possible. ~~The requisition for purchase of the items or services must be approved by the department director and the Director of Finance for issuance of a purchase order.~~ All received bid documentation will be attached to the requisition/purchase order uploaded to the winning vendor's file in the financial software system. No purchase order is required.
 - 3. Purchases with material value from seven thousand five hundred dollars (\$7,500.00) to twenty-four thousand nine hundred ninety-nine dollars (\$24,999.00). Whenever any contemplated purchase or contract for services are within this range and budget, at least three (3) written bids for the items or services shall be submitted in bid form. The City may purchase items or contract for services from the lowest responsible bidder whenever reasonably possible. The requisition for purchase of the items or services must be approved by the department director, the Director of Finance and the City Administrator for issuance of a purchase order. All received bid documentation will be attached to the requisition/purchase order.
 - 4. Purchases with material value of twenty-five thousand dollars (\$25,000.00) and above. Whenever any contemplated purchase or contract for services are within this range, at least three (3) written bids for the items or services shall be submitted in bid form. Items in this category may be ordered only after review by the City Attorney and official approval by the City Council. For purchases exceeding fifty thousand dollars (\$50,000.00), a formal written request for bids including a general description of the articles to be purchased or services performed and the time and place for opening the bids, shall be posted on the City's website. In an effort to obtain the best bids possible, further notice shall be provided, as determined by the Finance Director, such as posting on pertinent online bidding sites, advertising in relevant trade publications, and mailing or emailing to responsible prospective suppliers of the items to be purchased or services performed. Newspaper advertisement shall be used when

required by law or when otherwise deemed beneficial by the Finance Director. Final approval of the purchase or contract shall be by affirmative vote of a majority of the City Council. After approval by the City Council, the requisition for purchase of the items or services must be approved by the department director, the Director of Finance and the City Administrator for issuance of a purchase order. All received bid documentation will be attached to the requisition/purchase order.

5. Bidding. The City and all parties contracting with the City shall follow the procedure hereinafter set forth in relation to all purchases exceeding fifty thousand dollars (\$50,000.00):
 - a. All notices and solicitation of bids shall state the time and place for opening.
 - b. All bids shall be submitted sealed, either electronically or in writing, and shall be identified as "sealed bids" on the envelope or electronic subject line.
 - c. All bids shall be opened in public at the time and place stated in the public notice.
 - d. A tabulation of all bids received shall be available for public inspection per request.
 - e. The City shall have the authority to reject any and all bids and parts of all bids and re-advertise or re-solicit bids.
 - f. Determining Lowest Responsible Bidder. Unless there is an exercise of the right of rejection, the purchase or contract shall be made from and with the lowest responsible bidder for any article or to the lowest responsible bidder for the entire purchase or contract for any part thereof. In determining the lowest responsible bidder, the following shall be considered:
 - (1) The ability, capacity and skill of the bidder to perform the contract or provide service required.
 - (2) Whether the bidder can perform the contract or provide the services promptly or within specified time, without delay or interference.
 - (3) The quality of performance of previous contracts or services.
 - (4) The previous and existing compliance by the bidder with laws and ordinances of the City.
 - (5) The financial resources and ability of the bidder to perform the contract or provide the service.
 - (6) The quality, availability and adaptability of the supplies or service.
 - g. Performance Bond. In addition to bonds required by law, the City shall have the authority to require a performance bond, in cash or otherwise, for such amount as it may deem sufficient to secure the execution of the contract of furnishing supplies or services for the best interest of the City.
6. Multiple Or Repeat Orders. Multiple or repeat orders cannot be used to avoid the requisite approvals for the total purchase amount.
7. Special Circumstances. If less than three (3) quotes are received and the quotes all exceed the amount budgeted for the purchase, departments should either request new bids for the desired goods or services

or obtain approval from the Director of Finance to proceed based on the initial quote(s) on the grounds that special circumstances exist such that requests for new bids would not generate different quotes. Such special circumstances should be explained in a memorandum accompanying the purchase order.

8. Exempt Purchases. The following purchases, by their very nature, are exempt from the normal purchasing guidelines, [do not require a purchase order](#) and require the special procurement practices set forth in subsequent Sections of this Chapter:
 - a. Sole-source or monopoly purchases;
 - b. [State of Missouri Cooperative purchasing agreement or Other](#) Cooperative purchasinge agreements;
 - c. Fuel purchases;
 - d. Professional services;
 - e. Term and supply and annual contracts;
 - f. Emergency purchases:-
 - g. [Payments to risk management pools, employee benefit payments \(note: health insurance requires bidding every three years per 67.150 RSMo\), debt service payments and maintenance contracts, i.e., software maintenance, associated with items already purchased by the City. At times there may be an item that is unable to be processed through a purchase order based upon varying circumstances and those situations shall receive Finance Director approval to proceed without going through the purchase order guidelines and procedures. A purchase of a good or service shall not be made until it has been approved, unless the procedures for an emergency purchase has been followed.](#)
- C. **Change Orders. [Ord. No. 5576, 3-26-2018; Ord. No. 5588, 5-29-2018; Ord. No. 5609, 10-10-2018]**
 1. Construction Change Orders Approved By City Administrator. The City Administrator is authorized to approve change orders not exceeding ten percent (10%) of the original contract or up to fifty thousand dollars (\$50,000.00), whichever is less.
 2. Construction Change Orders Approved By City Council. Construction change orders approved by City Council. In the event a construction change order contains costs in an amount that exceeds the authorization of the City Administrator, the change order must go to City Council for approval. In the event change orders on a single contract accumulate to an amount in excess of the City Administrator's authorization, all subsequent change orders, regardless of amount, must go to City Council for approval. On a project-by-project basis, the City Council may authorize the City Administrator to approve up to twenty-five thousand dollars (\$25,000.00) in additional change orders following City Council review of all previous change orders, but in no event shall such additional authorization exceed ten percent (10%) of the original contract.
 3. Changes To Purchase Orders. The City Administrator is authorized to approve change orders for purchases not exceeding ten percent (10%) of the original contract or up to twenty-five thousand dollars (\$25,000.00), whichever is less so long as the proposed changes are in response to conditions

unforeseen at the time the purchase order was awarded. Change orders may not be used to overdraw a budgetary account, to avoid the City's competitive bidding process or to materially alter the purpose of the original bid or contract. Changes to purchase orders in excess of ten percent (10%) or twenty-five thousand dollars (\$25,000.00) must be approved by City Council.

D. Sole-Source And Monopoly Purchases. [Ord. No. 5638, 4-22-2019]

1. The Director of Finance or designated representative and department director or designated representative shall authorize a sole-source purchase and accordingly waive competitive purchasing procedures when such a request is presented in writing by the requesting department that only a single feasible procurement source exists. A single feasible sole source exists when:
 - a. Supplies or services are proprietary and only available from a single manufacturer or a single distributor, or
 - b. It is determined that only one (1) distributor services the region, or
 - c. When supplies or services are available at a significant discount from a single distributor for a limited period of time, or
 - d. When a project with specific circumstances requires specialized consultant or technical services with a unique combination of abilities or expertise.
2. In the event the amount of a sole-source purchase will exceed twenty-four thousand nine hundred ninety-nine dollars (\$24,999.00), it must also be approved in advance by the Director of Finance and City Administrator or their designated representatives and must be approved by the City Council.
3. Purchases of services that are provided on a monopoly basis such as electrical, gas and water utility services do not require specific City Council approval unless budgeted amounts are exceeded.

~~Fuel Purchases. Bulk fuel purchases for vehicles may be made without approval of a purchase order, provided that three (3) quotes are obtained and the lowest cost vendor is selected. A requisition shall still be submitted. To the extent vehicles cannot be fueled through the City's bulk purchasing program, purchases may be made at any commercial service station, although price shopping is still encouraged. Documentation of the purchase shall be submitted.~~

1. The City may contract directly with the State of Missouri or other governmental entities for the purchase of items. The City may also participate in, sponsor, conduct or administer a cooperative purchasing agreement whereby items are procured in accordance with a contract established by the State of Missouri or another governmental entity provided that such contract was established in accordance with the laws and regulations applicable to the establishing governmental entity.
2. From time to time, but not less than each July of each even-numbered year, the Finance Department shall provide a list of cooperative purchasing programs in which the City will participate. The Finance Department shall be responsible for notifying the departments of current approved cooperative purchasing agreements and any limitation or special requirements for their use.

3. The City Administrator will review and approve all cooperative purchasing agreements with other governmental agencies with material value under twenty-five thousand dollars (\$25,000.00) prior to their use. The City Council shall review and approve cooperative purchasing agreements with material value of twenty-five thousand dollars (\$25,000.00) or more. Competitive bidding procedures do not apply to such purchases made through approved cooperative purchasing agreements.
4. *"Acceptable cooperative purchasing agreements"* are agreements which contain the same terms, conditions, specifications and pricing for the respective item that the department would bid and purchase on their own.
5. Additional City Council approval shall not be required for the purchase of any budgeted items from approved cooperative purchasing agreements.

F. *Fuel Purchases.* Bulk fuel purchases for vehicles may be made without approval of a purchase order, provided that three (3) quotes are obtained and the lowest cost vendor is selected. A copy of all of the quotes will be attached to the winning vendor's file in the financial software system. To the extent vehicles cannot be fueled through the City's bulk-purchasing program, purchases may be made at any commercial service station, although price shopping is still encouraged. Documentation of the purchase shall be submitted.

G. *Professional Services Contracts.* [Ord. No. 5609, 10-10-2018]

1. Contracts for professional services provided by financial advisors, physicians, certified public accountants, engineers, architects, land surveyors, brokers, consultants and other specialized or technical services shall be obtained through the special procurement procedures set forth in this Section.
2. Requests for qualifications or proposals, as applicable, for professional services shall be submitted to the City Administrator for review and approval prior to distribution. When an RFQ or RFP for professional services is approved, a limited number of qualified professionals known to the City will be invited to submit a response setting forth their interest, qualifications and description of proposed services. A contract will be negotiated with the professionals deemed to best meet the City's needs.
3. Upon approval of the Finance Director and City Administrator, professional services contracts under nineteen thousand nine hundred ninety-nine dollars (\$19,999.00) may be exempt from the request for proposal process.
4. Professional services contracts for twenty-five thousand dollars (\$25,000.00) or more must be approved by the City Council.
5. The City Administrator is authorized to approve change orders for professional service contracts not exceeding ten percent (10%) of the original contract or up to twenty-five thousand dollars (\$25,000.00), whichever is less so long as the proposed changes are in response to conditions unforeseen at the time the purchase order was awarded. Change orders may not be used to overdraw a budgetary account, to avoid the City's competitive bidding process or to materially alter the purpose of the original bid or contract. Changes to contracts in excess of ten percent (10%) or twenty-five thousand dollars (\$25,000.00), must be approved by City Council.

H. *Term And Supply And Annual Contracts.* **[Ord. No. 5638, 4-22-2019]**

1. Term and supply contracts and annual contracts shall be bid through each department following the same procedures established by this policy for other purchases based upon estimated material value of contract. The department requesting the service shall prepare a recommendation of award for City Council approval for all term and supply and annual contracts with material value of twenty-five thousand dollars (\$25,000.00) or more based upon the annual value of the contract. All multiple year contracts should contain a clause explaining that the obligation of the City to pay for goods and/or services under the contract is limited to payment from available revenues and shall constitute a current expense of the City and shall not in any way be construed to be a debt of the City in contravention of any applicable constitutional or statutory limitations or requirements concerning the creation of indebtedness by the City nor shall anything contained in the contract constitute a pledge of the general tax revenues, funds or monies of the City and all provisions of the contract shall be construed so as to give effect to such intent.
2. Once such a contract is approved, specific purchases within budget should be made on an "as-needed" basis without further bidding while the contract remains open, unless and until the City terminates the contract. Any department that believes such a contract is no longer competitive should provide such information to the Finance Director. All contracts with supporting documentation (resolutions, insurance, bonds, etc.) must be entered and managed in the financial software system.

~~G. Professional Services Contracts. [Ord. No. 5609, 10-10-2018]~~

~~I. Sole Source And Monopoly Purchases. [Ord. No. 5638, 4-22-2019]~~

1. Upon action of the City Council, the City may lease real property that it owns for fair market value, when such property is currently underutilized, in order to maximize the return of the property to the City until such time as such property shall be required for public usage.
2. Nothing herein shall prevent the City Administrator or designated representative from negotiating a higher rent for a lessee of any real property that is shown to have a unique value to such lessee due to its configuration, accessibility or size, subject to approval from the City Council.

K. Sale Of Real Property.

1. Upon action of the City Council, the City may sell unneeded real property for fair market value.
2. Nothing herein shall prevent the City Administrator or designated representative from negotiating a higher price for sale or trade to a buyer for any real property that is shown to have a unique value to such buyer due to its configuration, accessibility or size, subject to approval from the City Council.

- L. Disposal Of Surplus Goods.* The City should promptly dispose of all surplus property to the economic advantage of the City. Competitive bidding on surplus, obsolete or unusable goods is required through sealed bids, auction, open market sales or other available means. The disposal of all such goods requires the approval of the City Administrator; additional approval by the City Council is required for goods in excess of twenty-four thousand nine hundred ninety-nine dollars (\$24,999.00) ~~nineteen thousand nine hundred ninety-nine dollars (\$19,999.00)~~ in total material value. Trade-in opportunities should be

pursued when available to reduce the City's purchasing costs. Competitive bidding shall only apply to a trade-in to the extent it applies to the new purchase. Approvals of a trade-in shall be handled in conjunction with the approval of the new purchase as dictated by the purchase price.

M. *Designated Representatives.*

1. Throughout this policy several references have been made to "designated representatives"; in order to assure that proper authority has been given to an individual who represents themselves as a "designated representative", the departments are requested to make an effort to communicate said designated authority to the Finance Department when appropriate.
 2. The Finance Department shall be provided evidence of an individual's "designation" immediately upon request.
- N. *Purchasing Policy Supplements.* In the event a specific procurement procedure is required to be in writing when the City is purchasing an item which is funded in whole or in part by grant funds, i.e., CDBG, the City Administrator shall have the authority to supplement this Section to incorporate the special requirements of that procurement.
- O. *Policy Clarification.* The City Administrator may clarify the provisions of this Chapter in furtherance of the stated goals of this Chapter by written statement, provided the City Administrator cannot alter in any way the extent to which City Council action is required hereunder.
- P. *Yearly Report.* The City Administrator shall provide a yearly report to the City Council of the dollar amount of environmentally preferred products purchased by the City in the preceding year, the categories of products purchased, the savings or costs associated with the green purchasing policy, and any other effects associated with the City's green purchasing program.

Section 140.040 **Accounting Standards and Procedures.**

[R.O. 2008 §2-219; Ord. No. 829 §6, 12-12-1977]

The City shall adopt the accounting standards as prescribed by the American Institute of Certified Public Accountants and the Governmental Accounting Standards Board. The City Administrator may promulgate administrative accounting procedures for uniform accounting procedures.

Section 140.050 **Financial Reports.**

[R.O. 2008 §2-220; Ord. No. 829 §8, 12-12-1977; Ord. No. 2130 §1, 6-11-2001]

- A. The City Administrator shall prepare or cause to be prepared quarterly statements of municipal revenue, expenditures and current financial condition. Such reports shall be distributed to the Mayor and City Council.

[R.O. 2008 §2-221; Ord. No. 829 §9, 12-12-1977; Ord. No. 3053 §1, 3-28-2005]

- A. The City Administrator shall seek the highest yield from the investment of surplus City funds consistent with the safety of investment and cash flow requirements of the City provided such investments are consistent with State Statutes regulating such investments. A report shall be made to the Mayor and City Council.
- B. The City Council shall designate a City depository for handling any City checking account at least once

every five (5) years.

**Section 140.070 City Administrator's Supplement To City Purchasing and Sales Policy.
[R.O. 2008 §2-222; Ord. No. 4000, 1-9-2006]**

A. Purchase Orders.

1. After approval of a requisition in the financial software system, the requesting department ~~City purchase order form will be completed and signed by the Director of Finance will complete the requisition process which will create the purchase order in accordance with these procedures.~~ In order to ~~insure~~ensure expeditious processing of purchase orders, it is important that the requisition be completed accurately by the requisitioning department. When applicable, a copy of City Council approval action shall be attached to the requisition.
2. A "purchase order" is an offer to make a contract between the City and a vendor. The contract is not binding until it is accepted by the vendor. The issuance of purchase orders or direct purchases by unauthorized individuals or any other unauthorized purchase (including, but not limited to, personal expenses) will not be recognized by the City and payment for these obligations will not be approved. Purchase orders in excess of five thousand seven hundred and five hundred dollars (~~\$7,5005,000.00~~) must be ~~signed~~approved by the City Administrator.
3. The requisition and purchase order will be retained in the financial software system no less than what is required by the State of Missouri's local government records retention schedule.
4. Purchase orders are classified as either "original" or "confirming" based on whether or not the vendor has previously been notified of the City's intent to make the purchase of goods or services.

B. Construction Contracts.

1. Construction contracts supervised by City personnel shall be bid through the Public Works Department in accordance with the procedures established for other purchases according to the applicable price range.
2. Construction contracts supervised by outside consulting services shall be bid in coordination with the Public Works Department. A bid package shall be reviewed by public works and approved by the department head or designated representative. The consultant as determined by the Public Works Department and the department head or designated representative shall distribute the bid package to potential bidders. Public works shall receive, record and tabulate the bids and shall certify that bids were opened in compliance with all purchasing policy requirements. The final award of the bid shall be communicated to the successful bidder by the Public Works Department.
3. All required performance bonds must be obtained.

C. Product Testing/Demonstrations.

1. Product demonstrations may be held as deemed appropriate by a department director without prior

approval of the Finance Department.

2. Prior to taking into the City's possession any item for testing or evaluation, departments shall contact the Director of Finance for approval. The department shall notify the vendor in writing that the City has taken the item into possession for test purposes only and if a purchasing decision is made, that decision will be communicated directly to the vendor at the end of the test period. In no event shall the retention of a test item by the City be evidence of intent to purchase said item.

D. *General Instructions.*

1. *General specifications.*

- a. Keep specifications as simple as possible while maintaining the exactness required to ~~insure~~ensure bidders provide the quality goods or services as required by specifications.
 - b. Whenever possible, identify the equipment or material required with some name brand or known standard specifications already on the market.
 - c. Specifications should promote competition. Justification must be provided to the City Administrator for restrictive specifications.
 - d. Flexibility in the specifications is desirable in instances where new technologies are being sought. Specifications should be specific enough to guarantee the quality required but sufficiently flexible to allow vendors to be creative in their proposals.
 - e. Specifications should be written with clear, simple language.
2. *Types of specifications.* There are several ways of structuring specifications to protect the integrity of the purchasing process and to ~~insure~~ensure that the needs of the City are met. Different methods of structuring specifications include:
- a. *Qualified products or acceptable brands list.* These lists are developed only where it is not possible to write specifications adequate to identify the quality and performance required of the goods or services to be purchased. Acceptable brands lists are also used when tests that would be necessary to determine compliance with technical specifications are lengthy, costly or require complicated technical equipment.
 - b. *Specifications by brand or trade name.* Brand or trade names should be used where brand-name products have been found to be superior to others for the purpose intended.
 - c. *Specifications by blueprint or dimension sheet.* Specifications of construction projects for everything from buildings and streets to custom-built cabinets, furniture, machines or other equipment should be written to reference the blueprints or dimension sheets prepared by the engineer or architect.
 - d. *Specifications by chemical analysis or physical properties.* Specifications which include the chemical analysis or physical properties of the goods, when clearly requested, place responsibility on the supplier to provide exactly those items requested.
 - e. *Specifications by performance, purpose or use.* Specifications which include a set of performance

criteria for the goods or services required will provide flexibility for vendors to design products or programs specifically aimed at meeting such criteria.

- f. *Specification by identification with industry standards.* Specifications will often refer to industry-wide standards or to standards set by other public jurisdictions.
- g. *Specifications by samples.* Whenever appropriate, a sample is always a good way to make requirements perfectly clear.
- 3. *Delivery and performance guidelines.* A contract or purchase order that is complete in all respects and that is accepted by the parties concerned still must produce the intended results or objectives before it can be considered a successful or completed purchase. The terms and conditions must clearly define the delivery and performance requirements of the services, supplies or equipment.
 - a. *Follow-up and expediting.* Follow-up normally applies to the monitoring of the delivery schedules to assure compliance. Expediting, in the purest sense, involves an attempt to improve or to reduce the contractually stipulated delivery time for various reasons and the vendor is not legally obligated to comply. The primary objectives of the follow-up function are:
 - (1) To assure full compliance by the vendor; and
 - (2) To develop documentation for future evaluation of the vendor's performance.

If delivery problems develop, there are certain techniques that may be used to help solve them:

- (a) Contact the salesman for assistance.
- (b) Initiate collect phone calls; letters may also be used.
- (c) Visit the vendor's plant. This might help solve the problem and will assist in verifying any reason for the delay.
- (d) Cancel the contract for non-performance.

Prior to the cancellation, authorization from the Director of Finance or City Administrator must be obtained.

- 4. *Delinquent deliveries.* When follow-up efforts have failed and the deliveries have become delinquent, one (1) of two (2) actions must be taken:
 - a. Authorize additional time for delivery; or
 - b. Cancel and order from other sources.

Prior to cancellation, authorization from the Director of Finance or City Administrator must be obtained. In all cases, the reasons for delinquent deliveries should be documented. This information may be needed in evaluating future bids submitted by that particular vendor.

- 5. *Partial deliveries.* Some purchase orders may list several items. If these items can be used separately, partial payments can and should be authorized. However, if the separate items are part of a system, then partial deliveries should not be authorized.

6. *Substitution.* To meet the contractual delivery schedule, it may be appropriate in some situations to consider substitute items. The specifications may cover such a possibility.

Whenever substitutions are necessary due to shortcomings of the vendor, it is the responsibility of the purchaser to seek and obtain an adjustment for lower prices on the substituted items.

7. *Non-performance.* Should the vendor fail to meet any requirements of the specifications, the vendor can be cited for non-performance. Recourse could include:
- a. The City may exercise its rights under a liquidated-damages clause or under the terms of a performance bond.
 - b. The City may obtain the needed items from another source and charge delinquent vendor the excess difference in cost.
 - c. The City may terminate the contract for default if it is in the best interest of the City and items can be obtained under more favorable conditions from other sources.

Any such action should be approved by the Finance Director or the City Administrator.

8. *Inspection and testing guidelines.* Goods and materials should be checked at the time of receipt to detect any damage or defects. Inspection and testing may be performed at origin or destination.
- a. *Reports, rejection and return authorization.* Whenever an inspection is performed, all reports to properly support claims or actions must be thoroughly documented. A copy of the inspection report will normally be used to substantiate payment for the goods and verification of receipt. In the event of rejection, for whatever purpose, certain steps must be taken to inform and protect the rights of the vendor as well as the City. Reasons for rejection must be listed and these reasons should reference specific requirements of the contract.
 - b. *Damage during shipment.* It is important that all damage be completely described on the receiving report. Any evidence of concealed damage should be noted at this time. The carrier should be notified immediately and a joint inspection should be scheduled with the carrier's representative. When it is apparent that the extent of the damage causes the goods to be worthless, they should not be accepted.
 - c. *Latent defects.* Latent defects may be the result of damages in transit or of failure of the manufacturer to conform to specifications. If specific liability for the defect cannot be determined between the carrier, the vendor or the manufacturer, the City may have to file a claim against all parties seeking their cooperation in resolving the situation.
9. *Invoices.* Vendors are to be instructed to send all original invoices to the City of Creve Coeur, Accounts Payable Department, 300 North New Ballas Road, Creve Coeur, Missouri 63141.
10. *Purchases supported by grant funds.* Departments shall review all requirements for grant funds used in the procurement of items to ~~insure~~[ensure](#) the bidding process required as a condition to receiving said grant funds is complied with during the procurement of the item. The Finance Department will assist in the inclusion of all required procedures that are in addition to the requirements of the policy.
11. *Delivery of items.* When items are delivered to City departments, the only paperwork to be signed is the

delivery notice. Any other vendor purchase order, document, contract, warranty, maintenance agreement, etc., is not to be signed at delivery. All such documents shall be forwarded to the Finance Department or retained by the appropriate department.

E. *Disputes, Adjustments And Appeals.*

1. Departments shall notify the Finance Department in a timely manner concerning any complaint or dispute regarding an order, delivery, specification, defective goods or poor performance by a supplier. Any decision concerning an attempt to cancel a contract or an attempt to resolve a dispute regarding defective products or unacceptable services shall be made jointly by the Finance Department and the department director or department designated representative. Any correspondence with suppliers shall be made available to both the department director and the Director of Finance.
 2. In the event a procurement dispute arises between the requesting department and the Finance Department, the City Administrator shall make the final decision.
- F. *Compliance With Applicable Law.* All transactions shall be made in compliance with applicable law, including, but not limited to, the City's Charter and ordinances and also State laws governing such issues as general construction bidding requirements per Chapter 8, RSMo., guaranteed energy cost savings contracts (Section 8.231, RSMo.), buying preferences (Sections 34.073 et seq., RSMo.), health insurance (Section 67.150, RSMo.), transactions with Federal and State Government (Sections 70.100 et seq., RSMo.), special assessment sidewalks (Sections 88.880 et seq., RSMo.), solid waste (Section 260.208, RSMo.) and prevailing wage on public works projects (Section 290.250, RSMo.). Before commencing efforts regarding a transaction involving an unfamiliar subject area, a determination should be made as to whether a consultation with the City Attorney is necessary.
- G. *Responsibility For Enforcement.* The Director of Finance shall be responsible for monitoring the compliance with this policy. Department directors will be entrusted with the responsibility of enforcing the policy within their departments.

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF CREVE COEUR, MISSOURI, IMPOSING A USE TAX FOR GENERAL REVENUE PURPOSES AT THE RATE EQUAL TO THE TOTAL LOCAL SALES TAXES IN EFFECT FOR THE PRIVILEGE OF STORING, USING OR CONSUMING WITHIN THE CITY ANY ARTICLE OF TANGIBLE PERSONAL PROPERTY PURSUANT TO THE AUTHORITY GRANTED BY AND SUBJECT TO THE PROVISIONS OF SECTIONS 144.600 THROUGH 144.761 RSMO; PROVIDING FOR THE USE TAX TO BE REPEALED, REDUCED OR RAISED IN THE SAME AMOUNT AS ANY CITY SALES TAX IS REPEALED, REDUCED OR RAISED; AND PROVIDING FOR SUBMISSION OF THE PROPOSAL TO THE QUALIFIED VOTERS OF THE CITY FOR THEIR APPROVAL AT THE GENERAL ELECTION CALLED AND TO BE HELD IN THE CITY ON APRIL 5, 2022.

WHEREAS, the City of Creve Coeur has imposed local sales taxes, as defined in Section 32.085 RSMo, at the total rate of 1.25% with voter approval; and

WHEREAS, the City is authorized, under Section 144.757 RSMo, to impose a local use tax at a rate equal to the rate of the total local sales taxes in effect in the City; and

WHEREAS, the proposed City use tax cannot become effective until approved by the voters;

NOW, THEREFORE, be it ordained by the City Council of the City of Creve Coeur, Missouri, as follows:

Section 1. Pursuant to the authority granted by, and subject to, the provisions of Sections 144.600 through 144.761 RSMo, a use tax for general revenue purposes, being the equivalent of a sales tax on purchases made from out-of-state sellers by buyers in the City, is imposed for the privilege of storing, using, or consuming within the City any article of tangible personal property. This tax does not apply with respect to the storage, use or consumption of any article of tangible personal property purchased, produced, or manufactured outside this state until the transportation of the article has finally come to rest within this City or until the article has become commingled with the general mass of property of this City.

Section 2. The rate of the tax shall be equal to the total local sales tax in effect, which currently is 1.25%. If any City sales tax is repealed or the rate thereof is reduced or raised by voter approval, the City use tax rate also shall be deemed to be repealed, reduced, or raised by the same action repealing, reducing, or raising the City sales tax.

Section 3. This use tax shall be submitted to the qualified voters of Creve Coeur, Missouri, for their approval, as required by the provisions of Section 144.757 RSMo, at the general election to be held in the City on Tuesday, the 5th day of April, 2022. The ballot of submission shall contain substantially the following language:

Shall the City of Creve Coeur impose a local use tax at the same rate as the total local sales tax rate, provided that if the local sales tax rate is repealed, or reduced or raised by voter

approval, the local use tax rate shall also be repealed, reduced, or raised by the same action?

☐ Yes

☐ No

If you are in favor of the question, place an "X" in the box opposite "Yes."

If you are opposed to the question, place an "X" in the box opposite "No."

Section 4: If a majority of the votes cast on the proposition by the qualified voters voting thereon are in favor of the proposition, then the tax provided hereby shall be in effect on the first day of the calendar quarter which begins at least 45 days after the Missouri Director of Revenue receives notice of adoption of the City use tax, or as soon thereafter as permitted under Section 144.757 RSMo.

Section 5. Within ten (10) days after the approval of this ordinance by a majority of the qualified voters of Creve Coeur, Missouri, the City Clerk shall forward to the Director of Revenue of the State of Missouri by United States registered mail or certified mail, a certified copy of this ordinance together with certifications of the election returns and shall at such time and from time to time forward any geographic and/or mapping information as may be needed by the Director of Revenue to correctly administer and distribute such taxes due to the City.

Section 6. This Ordinance shall be in full force and effect from and its passage and approval pursuant to section 3.11(g) of the City Charter.

**PASSED BY THE CITY COUNCIL OF THE CITY OF CREVE COEUR,
MISSOURI, THIS _____ DAY OF _____, 2022.**

Heather Silverman, Council President

APPROVED THIS _____ DAY OF _____, 2022.

Mayor Robert Hoffman

Attest:

Kelly Henke, City Clerk



CITY OF CREVE COEUR

December 9, 2021

To: Mayor and City Council

From: Mark Perkins, City Administrator

Re: Use Tax

With the passage of SB 154 by the Missouri Legislature last spring, there is renewed interest among municipalities to adopt a use tax. A use tax is applied to the purchase of goods by residents and businesses from out-of-state vendors. Products exempt from the sales tax would be exempt from the use tax, and in no situation would a product be subject to both a sales tax and a use tax.

Like other cities across the state and nation, the City of Creve Coeur has seen a steady decline in its sales tax revenues due to the emergence of on-line sales. Creve Coeur relies heavily on sales tax to fund its day-to-day services as well as capital improvements. Sales tax revenues represent about 30% of the city's general fund revenue and about 35% of the city's total revenue. The continued decline of this revenue source is a significant reason for the projected operating deficits in the city's General Fund over the next five years. Operating deficits are projected to exceed \$900,000 in FY23, and then grow to \$1.6 million in FY26. Adoption of the use tax would substantially reduce these projected deficits and largely replace the sales tax revenue not captured due to out of state purchases and on-line purchases.

The City of Creve Coeur has other options for revenue enhancement as well as service reductions, such as property tax increases or requiring a fee for trash and recycling service, but these measures will impact residents more directly and potentially severely than adoption of a use tax. The city's Finance Committee has had numerous discussions about the use tax over the years and plans to discuss this at its meeting next week.

I encourage the City Council to give consideration to placing the use tax on the ballot some time in 2022. A number of cities are planning to place the matter on the April 2022 ballot, which could provide the participating cities an opportunity to coordinate public education efforts. Ballot measures must be filed with St. Louis County Board of Elections by January 25, 2022.



MEMORANDUM

DATE: December 9, 2021

TO: Mark Perkins, City Administrator

FROM: Lori Obermoeller, Director of Finance

SUBJECT: Use Tax

I have compiled and attached a spreadsheet that shows the Estimated Use Tax Revenue for our comparative cities based on the taxable sales reported to the Department of Revenue by City for calendar years 2016 – 2020.

The last column of this spreadsheet states the actual revenue reported from each of the cities that have a Use Tax so you can see how it compares to the Estimated Numbers. There are a lot of reasons the actual numbers don't exactly line up with the estimates. Some reasons for the discrepancies are as follows:

- DOR is reporting on a calendar year, where the city may be reporting with a different fiscal year
- The city is reporting based on the accrual method
- According to DOR, for those cities without a Use Tax, the vendor is not required to report the city in which it conducted sales to the DOR; as a result, sales are under-reported for those Cities
- Beginning 10/1/21, cities no longer have a sharing option. Whatever is collected for the city is distributed directly to that city.

I would be happy to answer any questions.

USE TAX REVENUE BASED ON DOR TAXABLE SALES BY CITY PER CALENDAR YEAR

Municipality	Local Sales Tax Rate	2016 Estimated Revenue	2017 Estimated Revenue	2018 Estimated Revenue	2019 Estimated Revenue	2020 Estimated Revenue	ACTUAL REVENUE	Comments
BALLWIN	1	\$54,272	\$74,984	\$92,846	\$123,076	\$98,162		
BRIDGETON	1.25	\$329,571	\$382,795	\$307,152	\$383,533	\$288,850	\$240,850	Only 3 months
CHESTERFIELD	1	\$776,379	\$765,490	\$1,138,451	\$828,098	\$859,359		
CLAYTON	1.5	\$248,526	\$553,841	\$2,181,528	\$811,580	\$1,419,616	\$1,094,947	
CREVE COEUR	1.25	\$667,536	\$348,404	\$204,737	\$230,074	\$313,185		
DES PERES	1.75	\$992,273	\$1,096,356	\$1,376,217	\$1,283,253	\$1,409,816	\$1,272,261	11m of 2021
FRONTENAC	1.5	\$87,393	\$131,603	\$133,708	\$212,835	\$197,638	\$176,081	2 year ave 6/30
LADUE	1.25	\$44,857	\$66,457	\$55,026	\$54,932	\$85,487		
MAPLEWOOD	1.75	\$187,496	\$206,524	\$246,709	\$233,525	\$346,223	\$267,756	6/30/2021
MARYLAND HEIGHTS	0.5	\$441,611	\$530,487	\$695,031	\$744,476	\$648,972		
OLIVETTE	1.5	\$250,895	\$332,591	\$359,534	\$330,458	\$436,104	\$319,222	6/30/2021
RICHMOND HEIGHTS	1.75	\$592,685	\$710,730	\$874,461	\$956,855	\$931,600	\$898,746	6/30/2021
TOWN AND COUNTRY	1.25	\$645,829	\$360,334	\$367,405	\$606,817	\$300,869		

These numbers are based on DOR Taxable Sales Reported by City

I have adjusted the local sales tax to only reflect the local and not the 1% county wide

GENERAL FUND FINANCIAL PROJECTIONS

The General Fund is used to account for all activities associated with the general government of the City, and it funds all services except those services attributed to the Capital Improvement Fund, Employees Retirement Fund, Municipal Enterprise Fund, Sewer Lateral Fund, Public Safety Fund (new FY 2018) and Park & Stormwater Fund (new FY 2022).

FY 2021 projected revenues and transfers-in to the General Fund are estimated to be more than budgeted expenditures and transfers out by \$1.48M. This is primarily due to \$1.2M that the City received from the CARES Act Relief program due to COVID-19. Without this \$1.2M, overall revenues for FY 2021 would have been almost \$700K less than FY 2020 due to COVID-19, with Sales Tax being hit the hardest. Most revenues will continue to decrease for FY 2022, but will then hopefully start to increase slightly for FY 2023 through FY 2026.

FY 2022 General Fund budget anticipates a \$891,312 deficit including transfers. Revenues are anticipated to decrease 2.2% in FY 2022 (excluding the \$1.2M received in FY 2021) once again due to COVID-19. Expenditures for FY 2022 are expected to increase by 6.14%. The main reason for the increase is because a 2% salary increase has been budgeted for FY 2022 and some of the items that were deferred or cut from FY 2021 were included in FY 2022.

The following table shows the position of the General Fund balance over the next five years, based on estimated numbers as of June 30, 2021 and incorporates the following assumptions:

Revenue Assumptions:

- Telephone receipts continue to decrease with a 6% decrease for FY 2022 due to more people eliminating their landlines, less reliance on voice and more use of texting and data.
- Sales tax revenue is budgeted to increase 2% for FY 2022 in anticipation of an easing of the economic impact of the pandemic.
- Other Agency Funding is budgeted to decrease 98% (\$1.2M) due to the City receiving \$1.2M in FY 2021 from the CARES Act Program.
- Building Permits are budgeted to decrease 34% as a result of FY 2021 being an exceptional year with several large projects.
- Charges for Municipal Facilities are budgeted to increase 82% (\$13K) for FY 2022, but still not at the level prior to the COVID-19 Pandemic. However, it is expected to increase 89% in FY 2023 and an average of 7% from FY 2024 through FY 2026 where it will hopefully get back to the revenues received prior to the Pandemic.
- Misc. Revenue will decrease 42% in FY 2022 because FY 2021 included a one-time reimbursement from WDCDC's reserve fund balance.
- Beginning with FY 2022, the Park & Stormwater Sales Tax Fund (began April 2021) will transfer 20% of the revenue to the General Fund to offset a portion of the parks and stormwater operations and maintenance expenditures.
- The Transfer In from the Public Safety Sales Tax funds used for transitioning the Police officers to 12-hour shifts in FY 2019 (an on-going expense) and for the pay adjustments of \$68,057 in FY 2022 (which will also be an on-going expense) is \$196,366 for FY 2021 and \$209,995 for FY2022, increasing 3% annually thereafter.

**GENERAL FUND
FINANCIAL PROJECTIONS
(CONTINUED)**

Expenditure & Fund Balance Assumptions:

- Overall expenditures will increase 6.14% in FY 2022 and then on an average of to 2.53% from FY 2023 through FY 2026.
- 2% salary increases are budgeted for FY 2022 and then projected with a 3% from FY 2023 through FY2026.
- Total salary & benefit expenditures will increase an average of 2.92% through FY 2026.
- Health and other insurance benefits are budgeted to increase 3% over the next 5 years.
- Pension for the LAGERS Plan is budgeted to remain the same for FY 2022, and then increase 5% each year thereafter.
- The Legacy Pension Plan's contribution for FY 2022 is projected to increase 2.7% and an average increase of .28% per year for FY 2023 through FY 2026.
- The amount of Public Safety Sales Tax Revenue used for the Police Pension increased from 15% to 20% in FY 2021 and is projected at 20% through FY 2026. The budgeted transfer for FY 2022 is \$176,335, which offsets the expense from the General Fund.
- Operating expenditures will increase 1.5% for contractual services, 4% for Trash/Recycling use and 2% for commodities annually.
- \$200K of the General Fund Balance is Reserved for Street Reconstruction.
- \$2M set aside for Govt. Center will be included in the 5 Year Capital Improvement Program in FY 2022 (\$250K), FY 2023 (\$200K) & FY 2024 (\$1.55M).
- \$749,533 of the GF Balance is Reserved for the purchase of land or construction of improvements in city parks or other public recreational spaces or facilities per Ordinance 5380.
- Transfer out \$400K each year to the Capital Fund from the County Road & Bridge Tax revenue which must be used for the improvement and repair of public roads, streets and bridges within the City. The balance of these funds remain in the General Fund to support the Street Division operation.
- Starting in FY 2022, \$83,391 Transfer Out to the Enterprise Fund will be needed to cover the operating deficit and an average of \$102K per year will be needed throughout FY 2026.

**GENERAL FUND
FINANCIAL PROJECTIONS
(CONTINUED)**

	FY 2021	FY 2022	FY 2023
Revenues	16,305,817	14,769,502	14,948,205
Expenditures	(14,619,094)	(15,517,418)	(15,895,367)
Revenue over (under) Expenditures	1,686,723	(747,916)	(947,162)
Operating transfers - In (Public Safety)	196,366	209,995	216,295
Operating transfers - In (Park & Stormwater)	0	380,000	380,000
Operating transfers - Out (Enterprise)	0	(83,391)	(105,347)
Operating transfers - Out (Capital)	(400,000)	(650,000)	(600,000)
Net Change in Fund Balance	1,483,089	(891,312)	(1,056,214)
Fund Balance - Beginning of year	17,004,854	18,487,943	17,596,631
FUND BALANCE - End of the Year	18,487,943	17,596,631	16,540,416
Less RESERVE GF BALANCE FOR CAPITAL CONST.	2,200,000	1,950,000	1,750,000
Less RESERVE GF BALANCE FOR PARKS	749,533	749,533	749,533
Unassigned Fund Balance	15,538,410	14,897,098	14,040,883

	FY 2024	FY 2025	FY 2026
Revenues	15,137,935	15,316,240	15,510,875
Expenditures	(16,300,837)	(16,718,408)	(17,148,465)
Revenue over (under) Expenditures	(1,162,902)	(1,402,168)	(1,637,590)
Operating transfers - In (Public Safety)	222,784	229,467	236,351
Operating transfers - In (Park & Stormwater)	458,864	468,041	477,402
Operating transfers - Out (Enterprise)	(95,949)	(108,762)	(100,132)
Operating transfers - Out (Capital)	(1,950,000)	(400,000)	(400,000)
Enforcement)	0	0	0
Net Change in Fund Balance	(2,527,204)	(1,213,422)	(1,423,969)
Fund Balance - Beginning of year	16,540,416	13,554,349	11,872,886
FUND BALANCE - End of the Year	13,554,349	11,872,886	9,971,515
Less RESERVE GF BALANCE FOR CAPITAL CONST.	200,000	200,000	200,000
Less RESERVE GF BALANCE FOR PARKS	749,533	749,533	749,533
Unassigned Fund Balance	12,604,816	10,923,353	9,021,982

Finance Committee

April 27, 2021

Honorable Mayor and Members of City Council
City of Creve Coeur
300 N. New Ballas Rd.
Creve Coeur, MO 63141

Dear Mayor Hoffman and City Council,

The Finance Committee met April 27 and May 11 via Zoom to review the proposed Operating Budget for FY 2021-2022. Also present were Council Liaison Dr Joe Martinich, Finance Director Lori Obermoeller, and City Administrator Mark Perkins. The Finance Committee regards the review sessions to fully satisfy Charter requirements and recommends the proposed Operating Budget to Council for adoption legislation. We offer the following comments for your consideration:

1. Revenues. City revenues have been flat for the last four years while expenditures have increased, resulting in decreased surplus, a situation that is forecast to continue unabated into the future. Expenditure increases are primarily due to wage inflation. Two revenue sources are recommended for study: internet sales taxes and business license fees.
 - a. Merchandise sales taxes and utility franchise fees comprise most city revenues. Revenue from Sales Tax on internet purchases has been considered previously but has been deferred. The COVID-19 pandemic accelerated resident shopping preferences from local merchants to favor on-line purchases, which generate less sales tax revenue. We recommend Council explore adopting sales (use) tax on internet purchases.
 - b. City revenues from business license tax are extremely low in comparison with neighboring municipalities. Given the stress of the COVID-19 pandemic, the Finance committee recommends temporarily deferring increased business license fee.

2. Fiscal note. Provide an economic analysis to accompany certain legislation which is expected to have a large effect on government operations and expenditures. While operating costs and revenues are an implicit component of actions by the City Council, they are not explicitly considered. For example, zoning legislation affects sales and utility tax revenue and law enforcement costs. We recommend a fiscal note accompany certain legislation, such as actions having an anticipated cost or revenue more than \$500 thousand.
3. Ice Rink Refrigerant Replacement. We expect this project will have far-reaching effects. As we noted in our comments on the CIP, referring to it as a refrigerant changeover understates the scope of work. Many other costly components are needed to continue longer-term rink operations. Further study is required, possibly including an evaluation of whether to continue rink operations or find alternative uses for the Dielmann Recreation Complex for other civic purposes.
4. Municipal Court Consolidation. While consolidation may reduce some operating costs, the Finance Committee is cautious that costs to modify the facility to accommodate consolidation should be fully recaptured by fees paid to City and not included in the Government Center Security project, which already has a limited budget.

Respectfully,



Richard Kutta, PE

St. Louis County Local Use Tax Participants

Legend

Local Use Tax Status

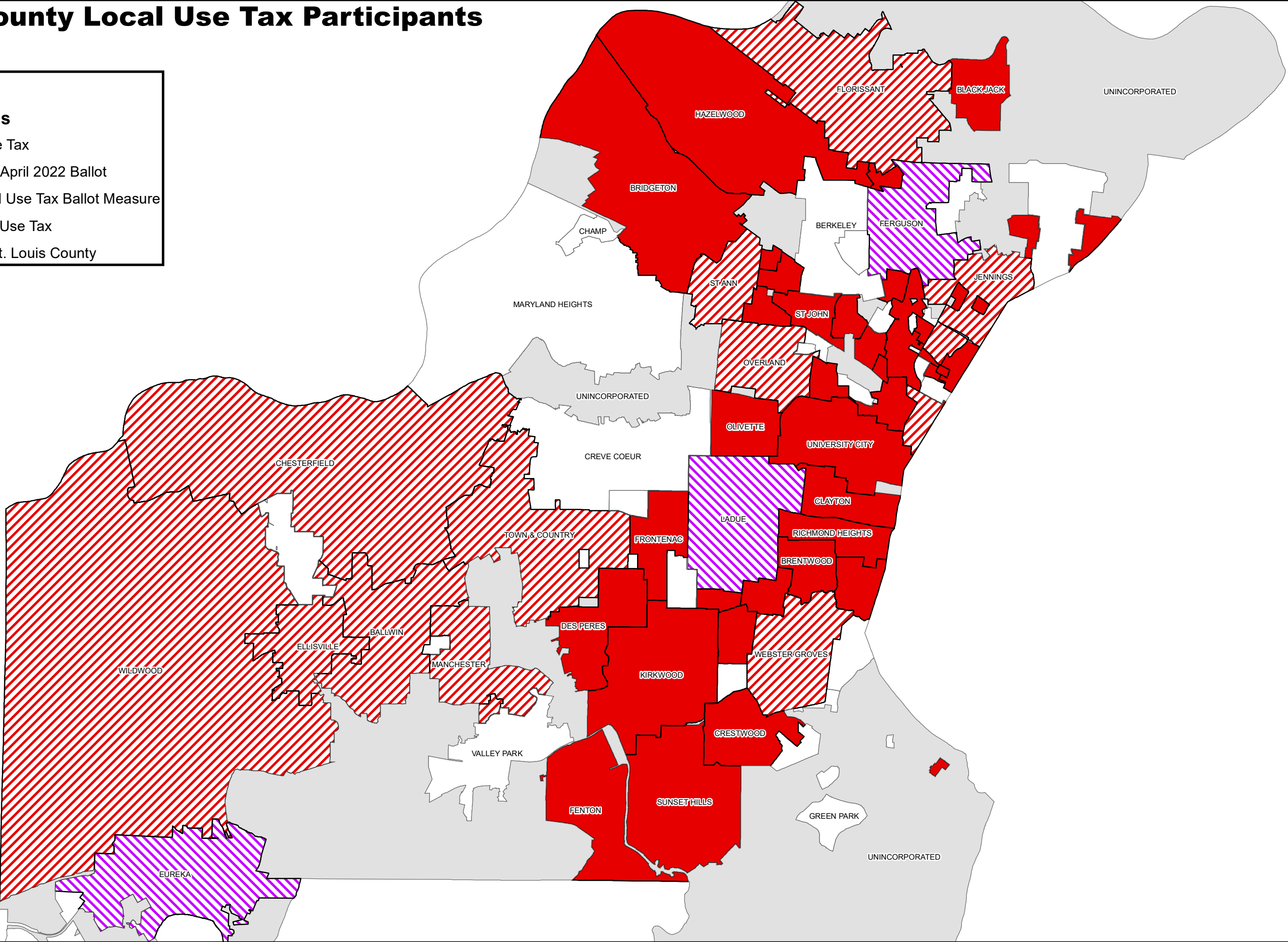
Current Local Use Tax

Local Use Tax on April 2022 Ballot

Considering Local Use Tax Ballot Measure

No Current Local Use Tax

Unincorporated St. Louis County



St Louis County Municipalities that have the Use Tax

CITY	POP	1/8 or 1/4 CENT	1/2 CENT	CAPITAL IMPROV	UP TO 1/2 CENT STORM & PARKS	UP TO 1/2 CENT ECON. DEV.	UP TO 1/2 CENT	Special Taxes	MUNI TAX	TOTAL TAX	LOCAL USE TAX	12 Month Revenue	Comment
		Chapter 94.850	Chapter 94.890	DISTRIB OPTION	Chapter 644.032	Chapter 67.1305	Chapter 321.242	See Below	RATE	RATE	Chapter 144.757		
Bella Villa	757		Apr-96	2					0.50	8.2375	Aug-96		
Bel-Nor	1,399		Aug-95	2					0.50	8.2375	Aug-96		
Bel-Ridge	2,132	Feb-05	Aug-95	2	Feb-05				1.25	8.9875	Apr-16		
Beverly Hills	475		Nov-95	2	Nov-95	Apr-06			1.50	9.2375	Nov-17		
Black Jack	6,634		Nov-95	2					0.50	8.2375	Aug-96		
Breckenridge Hills	4,458	Apr-94	Nov-99	1	20-Jun				1.25	8.9875	Apr-97		
Brentwood (1)	8,233	Nov-93	Apr-94	1	11/95,11/97	Apr-19	Aug-02		2.00	9.7375	Nov-20		
Bridgeton	11,445	Aug-13	Apr-06	1	Nov-97				1.25	8.9875	Apr-21	\$240,850	4 months
Calverton Park	1,143		Apr-02	2					0.50	8.2375	Jun-20		
Clayton	17,355	Nov-93	Nov-95	1	Apr-97		Apr-14		1.50	9.2375	Nov-18	\$1,094,947	
Cool Valley	1,039	Apr-18	Apr-02	1	Apr-18	Apr-18			1.75	9.4875	Apr-18		
Country Club Hills	1,014	Apr-15	Nov-95	2	Apr-07	Aug-10			1.75	9.4875	Apr-16		
Crestwood	12,404	Nov-93	Nov-93	1	Aug-00		Aug-03		1.50	9.2375	Apr-16	\$343,996	2020
Des Peres (11)	9,193	Nov-93	Nov-94	1	Aug-00		11/03 & 8/20		1.75	9.4875	Aug-96	\$1,272,261	11m 2021
Edmundson	860	Nov-93	Feb-94	1	Nov-97	Feb-06			1.75	9.4875	Aug-96		
Flordell Hills	724		Nov-96	2					0.50	8.2375	Apr-97		
Frontenac	3,612	Nov-93	Nov-94	1	Nov-04		Apr-02		1.50	9.2375	Apr-16	\$176,081	2 Yr Ave
Glendale	6,176	Apr-96	Aug-95	2	Apr-98		Aug-16		1.50	9.2375	Aug-96	\$176,293	6/30/2021
Greendale	642		Nov-03	2	Nov-03				1.00	8.7375	Aug-17		
Hazelwood (11)	25,458	Apr-15	Apr-96	2	Nov-01	Nov-06	8/14 & 8/20		2.25	9.9875	Aug-96		
Kirkwood	29,461	Nov-94	Nov-94	1	Apr-98		Apr-15		1.50	9.2375	Aug-96	\$853,886	3/31/2021
Maplewood (11)	8,269	Feb-94	Feb-94	1	Nov-97		4/03 & 6/20		1.75	9.4875	Aug-96	\$267,756	6/30/2021
Moline Acres	2,156	Apr-17	Nov-05	2	Apr-17				1.25	8.9875	Aug-17		
Normandy	4,287		Apr-96	2	Nov-04	Apr-07			1.50	9.2375	Apr-07		
Olivette	8,504	Nov-93	Nov-95	1	Apr-02		Nov-01		1.50	9.2375	Aug-96	\$319,222	6/30/2021
Pagedale	2,554	Apr-03	Nov-95	2	Aug-02				1.25	8.9875	Nov-17		
Pasadena Hills	912		Nov-95	2					0.50	8.2375	Aug-96		
Pine Lawn	2,754	Nov-17	Aug-95	2	Apr-98	Aug-18			1.75	9.4875	Apr-19		
Richmond Heights	9,286	Nov-93	Jun-94	1	Aug-97		4/03 & 4/21		1.75	9.4875	Nov-15	\$898,746	6/30/2021
Riverview	2,397		Nov-95	2					0.50	8.2375	Aug-96		
Rock Hill	4,750	Nov-93	Aug-94	1	Nov-99		Apr-01		1.50	9.2375	Apr-21		
St. John	6,643	Apr-15	Nov-95	2	Apr-05				1.25	8.9875	Apr-18		
Sunset Hills	9,198	Apr-94	Apr-94	1	Apr-07				1.25	8.9875	Apr-21	\$68,000	4 months
University City (6)	35,065		Apr-96	2	11/01,11/03	Aug-06	Nov-01		1.50	9.2375	Apr-98	\$1,049,020	
Uplands Park	312		Nov-95	2					0.50	8.2375	Aug-96		
Velda Village Hills	881		Nov-95	2	Aug-16				1.00	8.7375	Apr-19		
Vinita Park	1,970		Nov-95	1	Nov-16				1.00	8.7375	Aug-96		
Warson Woods	2,018	Apr-96	Aug-94	1	Aug-14				1.25	8.9875	Apr-21		
Woodson Terrace	3,950	Nov-93	Apr-94	1	Apr-02	Feb-06			1.75	9.4875	Aug-96		
# of cities that have adopted the tax											39		

FAQ: Local Use Tax (Proposition U)

by MML Staff

What is a use tax?

A use tax is a tax on the purchase of goods by Missouri residents from out-of-state vendors. Products exempt from the sales tax would be exempt from the use tax.

What is the rate of the local use Tax?

The local use tax rate is the same rate as the total local sales tax rate. If the local sales tax is reduced or raised by voter approval, the local use tax shall also be reduced or raised by the same action.

When must the local use be passed?

There is no deadline for the passage of the local use tax. However, cities that did not receive voter approval for continuation of the local sales tax on motor vehicles, trailers and outboard motors will lose this revenue November of 2022 unless the city passes a local use tax.

Is the Missouri Department of Revenue currently collecting the local use tax and holding those funds for cities?

The local use tax is only imposed upon voter approval. The Missouri Department of Revenue (MoDOR) will not collect a local use tax until citizen's approval of the tax locally. Additionally, MoDOR is not holding any fund for cities to be turned over upon passage of the use tax.

What if the city's voters turn down the use tax?

If the voters of the city do not authorize a local sales tax, the legislative body of the city may submit the sales tax proposal again at a later election. There is no limitation as to how many times the local sales tax proposal may be submitted to the electorate.

When does a city use tax ordinance take effect?

If the city voters approve the local use tax, then the tax becomes effective on the first day of the calendar quarter which begins at least forty-five days after the Missouri Director of Revenue receives notice of adoption of the local use tax.

How is the tax collected?

The online or catalog vendor will collect the local use tax, along with the state use tax, and remit both to the Missouri Department of Revenue (MoDOR).



What does the state charge for the collection of the city use tax and how is the city tax accounted for?

The director of revenue is required to deposit all city use taxes collected in a special City Use Tax Trust Fund, less 1% for the cost of collection. The 1% deducted, less the cost of premiums on surety bonds, is deposited in the State General Revenue Fund. The director of revenue of the state is to keep an accurate record of the amount of money collected from each city.

How much will my city receive from a local use tax?

It is difficult to accurately estimate the prospective revenue from a local use tax. A rough estimate of prior gross sales recorded as a use tax transaction per city can be found at <https://dor.mo.gov/public-reports/#pubtax>.

What changes did the legislature make in the 2021 "Wayfair" legislation (SB 153)?

The major modifications the legislation made to Missouri's use tax law was to require all online and catalog vendors to collect and remit the local and state use tax, including those vendors that do not have a physical presence in the state. Also, online vendors who facilitate transaction for a third-party vendor must collect and remit local and state use taxes on those facilitated transactions. Essentially, the new law makes the collection and remittance of the use tax similar to the way the sales tax is collected and remitted to the Missouri Department of Revenue. 🍏



MML and the Municipal League of Metro St. Louis have collaborated on Use Tax *educational materials* for you to use in your city, and a separate *advocacy kit* for campaign committees.

Learn more about materials for Proposition U at:
www.mocities.com



The purpose of the proposal is to assess the same tax rate on out-of-state purchases as local purchases.

Election Date Here



**Learn more about Proposition U at:
your website here**

Your City Logo Here

Your Address

Your Phone | Your email

This brochure was prepared by the Missouri Municipal League and the Municipal League of Metro St. Louis solely to educate and inform about Proposition U.

PROPOSITION

U LOCAL USE TAX

The Facts!

- **Generates Local Revenue**
- **Helps Your Community**
- **Not a Double Tax**

A Local Use Tax will help pay for:

- Police and Fire Personnel
- Roads
- Sidewalks
- Parks
- Emergency Vehicles and Equipment





- The purpose of the proposal is to assess the same tax rate on out-of-state purchases as local purchases.
- If you already pay local sales tax on a purchase, you will NOT pay a Use Tax on the same purchase.
- The local Use Tax rate is the same amount as the sales tax rate.
- A local Use Tax ensures out-of-state purchases are taxed at the same rate as purchases from your local business.
- A local Use Tax produces local funds for community services.
- Funds generated will help pay for public safety, roads, sidewalks, parks, and emergency vehicles/equipment.

Helps Your Community • Generates Local Revenue NOT A Double Tax!

What is a local Use Tax?

A Use Tax is a tax on the purchase of goods by Missouri residents from out-of-state vendors. Products exempt from the sales tax would be exempt from the Use Tax.

I already pay sales tax. Is this the same thing?

No. The sales tax applies to purchases made at local retailers within Missouri, while the Use Tax applies to purchases made from out-of-state vendors. Purchases cannot fall into both groups and cannot be taxed twice.

How can a Use Tax benefit my community?

As internet purchases increase, local revenues decrease. Funds generated from the Use Tax can be used to pay for vital municipal services including: public safety, additional sidewalks and parks, and emergency equipment.

What is the rate of the Use Tax?

The local Use Tax rate is the same rate as the local sales tax rate. If the local Sales Tax is reduced or raised by voter approval, the local Use Tax shall also be reduced or raised by the same action.



PROPOSITION
LOCAL USE TAX

U

July 2021



A SAMPLE CITY USE TAX ORDINANCE
(This sample ordinance is to be considered only as a guide for local adoption)

For use by all municipalities

BILL NO. _____

ORDINANCE NO. _____

An ordinance of the City of _____, Missouri, imposing a use tax for general revenue purposes at the rate equal to the total local sales taxes in effect for the privilege of storing, using or consuming within the City any article of tangible personal property pursuant to the authority granted by and subject to the provisions of Sections 144.600 through 144.761 RSMo; providing for the use tax to be repealed, reduced or raised in the same amount as any city sales tax is repealed, reduced or raised; and providing for submission of the proposal to the qualified voters of the City for their approval at the (Special) (General) (Primary) election called and to be held in the City on , _____ (Day) _____, _____ (Month) _____, 20____.

WHEREAS, the City has imposed total local sales taxes, as defined in Section 32.085 RSMo, at the total rate of _____%; and

WHEREAS, the City is authorized, under Section 144.757 RSMo, to impose a local use tax at a rate equal to the rate of the total local sales taxes in effect in the City; and

WHEREAS, the proposed City use tax cannot become effective until approved by the voters at a municipal, county or state general, primary, or special election;

NOW, THEREFORE, be it ordained by the (City Council) (Board of Aldermen) (Board of Trustees) of _____ (City) _____, as follows:

Section 1. Pursuant to the authority granted by, and subject to, the provisions of Sections 144.600 through 144.761 RSMo, a use tax for general revenue purposes is imposed for the privilege of storing, using or consuming within the City any article of tangible personal property. This tax does not apply with respect to the storage, use or consumption of any article of tangible personal property purchased, produced or manufactured outside this state until the transportation of the article has finally come to rest within this City or until the article has become commingled with the general mass of property of this City.

Section 2. The rate of the tax shall be equal to the total local sales tax in effect. If any city sales

tax is repealed or the rate thereof is reduced or raised by voter approval, the city use tax rate also shall be deemed to be repealed, reduced or raised by the same action repealing, reducing or raising the city sales tax.

Section 3. This tax shall be submitted to the qualified voters of (City) , Missouri, for their approval, as required by the provisions of Section 144.757 RSMo, at the (Special) (General) (Primary) election hereby called and to be held in the City on (Day of Week) , the day of , 20 . The ballot of submission shall contain substantially the following language:

Shall the..... (municipality's name) impose a local use tax at the same rate as the total local sales tax rate, provided that if the local sales tax rate is reduced or raised by voter approval, the local use tax rate shall also be reduced or raised by the same action?

☐ Yes

☐ No

If you are in favor of the question, place an "X" in the box opposite "Yes."

If you are opposed to the question, place an "X" in the box opposite "No."

Section 4. Within ten (10) days after the approval of this ordinance by the qualified voters of (City), Missouri, the City Clerk shall forward to the Director of Revenue of the State of Missouri by United States registered mail or certified mail, a certified copy of this ordinance together with certifications of the election returns and accompanied by a map of the City clearly showing the boundaries thereof.

Section 5. This Ordinance shall be in full force and effect from and after the date of its passage and approval.



**Finance Committee
Committee Meeting Minutes
December 15, 2021
3:00 PM
Online**

1. Zoom Meeting Information

Due to extreme circumstances regarding the COVID-19 pandemic, this meeting will be held online only. Members of the public may access live audio and/or video at the following link:

<https://us02web.zoom.us/j/2145398964>

Meeting ID: 214 539 8964

2. Call to Order

Meeting was called to order at 3:02 PM by Chairperson.

3. Roll Call

Marjorie Richter	Committee Member	(Absent)
Adam Shulenburg	Vice-Chair	(Absent)
Ted Armstrong	Committee Member	
Betty Kagan	Committee Member	
Cynthia Jordan	Committee Member	
Paul Gallant	Chair	
Timothy Smith	Committee Member	
Luis Ortiz	Committee Member	
Lori Obermoeller	Director of Finance	
Mark Perkins	City Administrator	
Tracy Brothers	Senior Accounting Associate	

4. Approval of Agenda

Motion to Approve Agenda

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Luis Ortiz, Committee Member
SECONDER:	Timothy Smith, Committee Member
AYES:	Armstrong, Kagan, Jordan, Gallant, Smith, Ortiz
ABSENT:	Richter, Shulenburg

5. Approval of Minutes

Approval of October 26, 2021 Finance Committee Meeting Minutes



**Finance Committee
Committee Meeting Minutes
December 15, 2021
3:00 PM
Online**

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Ted Armstrong, Committee Member
SECONDER:	Timothy Smith, Committee Member
AYES:	Armstrong, Kagan, Jordan, Gallant, Smith, Ortiz
ABSENT:	Richter, Shulenburger

6. Reports

Chairperson

The Chairperson thanked everyone for attending the specially scheduled meeting to discuss the use tax.

Audit Committee

Ms. Obermoeller reported to the committee that an extension was requested through the GFOA due to schedule conflicts with the auditors. A meeting with the Audit Committee will be scheduled in January to review the final results of the Audit. Ms. Obermoeller stated she has all the numbers for the audit and both her and the auditors agree with them. The extension will not affect the city in any way. The Auditors will also present the Audit results to the City Council at one of the meetings in January.

Pension Board

No report.

Council Liaison

Mr. Martinich reported, the City Council will be discussing the use tax at their first meeting in January and the possibility of putting it on the ballot in the April election. Mr. Martinich stated that any help or recommendations from the Finance Committee is greatly appreciated.

Staff

Ms. Obermoeller stated that the committee reviews policies annually and that there are a lot of proposed changes to the purchasing policy. The purchasing and fixed asset policies are under new business for the Committee to discuss and review.

7. Unfinished Business

8. New Business

Review Purchasing Policy Changes

Ms. Obermoeller reviewed the proposed changes made to the purchasing policy with the committee. Ms. Obermoeller explained to the committee why she is wanting to eliminate the need for a purchase order for anything between \$2,500 and \$7,499 and for all exempt purchases (ex. Sole-source, fuel purchases, professional services, term & supply and annual contracts, emergency purchases, employee benefits, debt service payments, maintenance contracts for already purchased items). She



**Finance Committee
Committee Meeting Minutes
December 15, 2021
3:00 PM
Online**

explained by the time the purchase order has been completed the items have already been bought, delivered and the invoice received. Going forward departments will still go through bid process and will be required to attach the bids to the vendor that was awarded the contract. The City's new software has the capability to store the contracts with the winning vendor.

Mr. Armstrong asked how the proposed changes compared to other cities policies. Ms. Obermoeller responded that most other cities limits are \$7,500 or higher, which is what is being recommended.

Mr. Gallant asked about how the current purchase order process works. Ms. Obermoeller stated that each department enters the purchase order information into the system and electronically the information is sent to the director for approval. Once the director approves the request, the system then sends the request electronically to the Finance director for approval. Anything over \$7,500 would electronically be sent to the City Administrator for approval. Ms. Obermoeller stated this proposal would eliminate approximated 90-95 purchased orders per year.

Dr. Ortiz asked if this proposal would affect the auditor's process. Ms. Obermoeller stated that the policy was up to the City and would not affect the audit process.

Ms. Obermoeller reviewed the other proposed changes to the policy. An error was found that needs to be corrected in the ordinance, the limit listed as \$14,999 will need to be updated to \$20,000 for professional services contracts to match the proposed policy change.

Mr. Armstrong moved to recommend the proposed changes to the City Council. Ms. Jordan seconded the motion with all present voting aye.

Motion To Recommend Proposed Changes to City Council

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ted Armstrong, Committee Member
SECONDER:	Cynthia Jordan, Committee Member
AYES:	Armstrong, Kagan, Jordan, Gallant, Smith, Ortiz
ABSENT:	Richter, Shulenburger

Review Fixed Asset Policy

Ms. Obermoeller reviewed the changes to the Fixed Asset Policy. She stated that infrastructure was added to the Constructed category since it was not covered anywhere else in the policy. The other major addition was to add how depreciation is calculated. Depreciation is calculated on the first day on the month the asset was added since this is how the software calculates depreciation.

Motion To Recommend Changes to City Council



**Finance Committee
Committee Meeting Minutes
December 15, 2021
3:00 PM
Online**

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ted Armstrong, Cynthia Jordan
AYES:	Armstrong, Kagan, Jordan, Gallant, Smith, Ortiz
ABSENT:	Richter, Shulenburger

Discussion of Use Tax

Mr. Perkins explained what the use tax is and how this effects the City's revenue. Currently, the city does not have a use tax in place, Mr. Perkins stated he would like to encourage the Finance Committee to recommend the City Council to consider placing the use tax on the ballot.

Mr. Armstrong stated that he encourages the city to join the group of other cities that are planning to place the use tax on their April ballot. Mr. Perkins reviewed a map that shows what cities currently have the use tax, ones that are placing the use tax on their ballot, which have no use tax, and which are considering a use tax ballot measure.

Mr. Gallant asked if the city had the use tax, would it eliminate the budgeted deficits which are projected in future years. Mr. Perkins stated that the use tax revenues are difficult to project, which we will discuss momentarily, but emphasized that new sources of revenue will be needed to maintain service levels in the future. The city's options for revenue increases are limited. The use tax would have the least effect on the residents and business' in the city compared to other options such as real estate tax.

Mr. Perkins reviewed the estimated revenue the city has projected from the use tax. Ms. Obermoeller stated that there are a lot of unknown factors with use tax revenue projections. At one point the State required all vendors to report what city they sold their product in, even if the city does not impose a use tax, but now that is no longer a requirement. Some vendors still report, but others do not. That is why the numbers have decreased. Staff believe the number reported in 2016, \$667,536 is a reasonable estimate of what the use tax could generate.

The Committee further discussed the use tax and the benefits it could bring to the city. The committee also discussed other revenue streams the city could pursue, ultimately this would be the least costly for the residents. There was discussion about how the use tax would also level the playing field for brick and mortar Creve Coeur businesses.

Ms. Jordan and Mr. Smith both stated their support for the use tax.

Ms. Jordan made a motion for the Finance Committee to encourage the City Council to move forward with placing the use tax on the April Ballot. Mr. Smith seconded the motion with all present voting aye.

Motion to Recommend City Council to Place the Use Tax on an upcoming Ballot



**Finance Committee
Committee Meeting Minutes
December 15, 2021
3:00 PM
Online**

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Cynthia Jordan, Committee Member
SECONDER:	Timothy Smith, Committee Member
AYES:	Armstrong, Kagan, Jordan, Gallant, Smith, Ortiz
ABSENT:	Richter, Shulenburg

Memo-Use Tax from City Administrator

Memo-Use Tax from the Director of Finance

Use Tax General Fund Financial Projections

Use Tax Map Participants

Cities that Have the Use Tax and the Revenue that is Generated

Use Tax Facts from MML

Use Tax Prop U Brochure from MML

Use Tax Sample Ordinance

9. Other Business

FY22 Meeting Schedule

RESULT:	DEFERRED [UNANIMOUS]
AYES:	Armstrong, Kagan, Jordan, Gallant, Smith, Ortiz
ABSENT:	Richter, Shulenburg

10. Public Comments

11. Adjourn

Motion to Adjourn

Motion to adjourn meeting at 3:57 PM

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Timothy Smith, Committee Member
SECONDER:	Luis Ortiz, Committee Member
AYES:	Armstrong, Kagan, Jordan, Gallant, Smith, Ortiz
ABSENT:	Richter, Shulenburg

BILL NO. 5998

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING A NEW CONDITIONAL USE PERMIT FOR A
DRIVE THROUGH PHARMACY KIOSK, AT 701 S NEW BALLAS ROAD WITHIN
THE MERCY MEDICAL CAMPUS, ZONED PH-PLANNED HOSPITAL DISTRICT**

WHEREAS, Section 405.310(C) CCNAICS 442100 All Drive-in and Drive-through Services (excluding Food Services), includes pharmacy kiosks in the PH-Planned Hospital District, and requires the issuance of a conditional use permit as provided in Section 405.1070, Conditional Use Permits; and

WHEREAS, George Stock of Stock and Associates Consulting Engineers, Inc. on behalf of Mercy Health East Communities, has submitted an application for a drive through pharmacy kiosk at 701 South New Ballas Road, Creve Coeur, MO, 63141, within the Mercy Medical Campus, zoned PH-Planned Hospital District; and

WHEREAS, a public hearing was held by the Creve Coeur Planning and Zoning Commission on Monday, December 20, 2021, beginning at 6:30 p.m. or immediately following the close of the previous public hearing, on said application for conditional use permit as provided by Section 405.1070(D)(2); and

WHEREAS, notice of publication for said public hearing had been previously published at least 15 days prior to the hearing, in the St. Louis Countian, a newspaper of general circulation in the City of Creve Coeur; and

WHEREAS, the Planning and Zoning Commission reviewed and, by a 5-0 vote, recommended approval of the request, subject to the conditions contained herein, at its meeting on December 20, 2021; and

WHEREAS, all parties desiring to be heard, either for or against said application, were given an opportunity to be heard, and a copy of the proposed ordinance has been made available for public inspection prior to its consideration by the Council; and this Bill having been read by title in open meeting two times before final passage by the City Council, and

WHEREAS, the City Council finds that the application and evidence presented clearly indicate that the proposed amended conditional use, when subject to certain conditions set forth herein:

1. Complies with all other applicable provisions of this Chapter including environmental performance standards presented in Section 405.550, the criteria in Section 405.470 and the standards of this Chapter in regard to yard and setback, parking and loading areas, screening and buffering, refuse, storage and service areas and signs.
2. Will contribute to and promote the community welfare and convenience at the specific location.
3. Will not cause substantial injury to the value of neighboring property.
4. Meets the applicable provisions of the City's Comprehensive Plan and any applicable neighborhood or sector plans and complies with other applicable zoning district regulations and provisions of this Chapter, unless good cause exists for deviation there from.
5. Will provide, if applicable, erosion control and on-site stormwater detention in accordance with the standards contained in this Chapter.

BILL NO. 5998

ORDINANCE NO. _____

6. Will be compatible with the surrounding area and thus will not impose an excessive burden or have a substantial negative impact on surrounding or adjacent users or on community facilities or services.

NOW, THEREFORE, be it ordained by the City Council of the City of Creve Coeur, Missouri, as follows:

Section 1: A Conditional Use Permit is authorized to be issued pursuant to Section 3 hereof for the operation of a drive through pharmacy kiosk at 1127-1129 N. Warson Road, Creve Coeur, MO, 63141, 701 South New Ballas Road, Creve Coeur, MO, 63141, within the Mercy Medical Campus, zoned PH-Planned Hospital District, whose legal description is as follows:

A tract of land being located in Section 15, Township 45 North, Range 5 East of the Fifth Principal Meridian, City Of Creve Coeur, St. Louis County, Missouri, being more particularly described as follows:

Beginning at a found cut cross located at the southeast corner of a tract of land as conveyed to St. Johns Medical Center, by instrument recorded in Book 8011, Page 1010 of the St. Louis County records, said point also being located on the west right-of-way line of South New Ballas Road, variable width; thence along the south line of said St. Johns Medical Center tract, North 89 degrees 38 minutes 42 seconds West, 1024.35 feet to a found iron pipe at the southeast corner of said St. Johns Medical Center tract, said point also being the southeast corner of a tract of land as conveyed to Temple Emanuel, by instrument recorded in Book 4514, Page 244 of above said records; thence along the east and north lines of said Temple Emanuel tract the following courses and distances: North 00 degrees 15 minutes 26 seconds East, 178.65 feet; North 88 degrees 31 minutes 47 seconds East, 167.71 feet; thence North 00 degrees 25 minutes 35 seconds East, 304.15 feet to the southern right-of-way line of Conway Road, variable width; thence along said right-of-way line the following courses and distances: South 62 degrees 48 minutes 41 seconds East, 48.81 feet to the beginning of a curve to the left having a radius of 995.37 feet; along said curve with an arc length of 30.17 feet and a chord which bears South 70 degrees 43 minutes 32 seconds East, 30.17 feet; South 71 degrees 35 minutes 38 seconds East, 87.11 feet to a found iron rod; South 71 degrees 44 minutes 20 seconds East, 33.02 feet to a found spindle; South 84 degrees 14 minutes 28 seconds East, 51.85 feet; South 82 degrees 25 minutes 46 seconds East, 137.31 feet; South 87 degrees 41 minutes 36 seconds East, 142.40 feet; North 87 degrees 21 minutes 59 seconds East, 236.55 feet to the beginning of a curve to the right having a radius of 88.50 feet and along said curve with an arc length of 143.61 feet and a chord which bears South 46 degrees 09 minutes 02 seconds East, 128.36 feet to a point of tangency, said point also being located on the west right-of-way line of above said South New Ballas Road; thence along said right-of-way line, the following courses and distances: South 00 degrees 20 minutes 08 seconds West, 60.98 feet to a point of curvature to the left having a radius of 1196.00 feet; along said curve an arc length of 134.15 feet, and a chord which bears South 02 degrees 52 minutes 38 seconds East, 134.08 feet to a point of reverse curvature to the right having a radius of 489.00 feet; along said curve with an arc length of 53.60 feet and a chord which bears South 02 degrees 57 minutes 01 seconds East, 53.57 feet and South 00 degrees 11 minutes 23 seconds West, 67.85 feet to the Point of Beginning, containing 379,050 square feet or 8.702 acres more or less.

Section 2: The Conditional Use Permit granted shall be subject to all applicable statutes, ordinances, rules and regulations, and the following conditions:

1. The Conditional Use Permit shall be for a freestanding drive through pharmacy kiosk, CCNAICS 442100, on the Mercy Ballas portion of the Mercy St. Louis Medical Campus at

BILL NO. 5998

ORDINANCE NO. _____

701 S. New Ballas Road, Creve Coeur, MO, 63141 zoned PH-Planned Hospital District, as submitted in conjunction with Application #21-030.

2. The pharmacy kiosk is approved to be in operation 24 hours a day, 7 days per week.
3. The Applicant is required to submit a building permit application, as required by Article II of the Building Code. The elevations shall be in substantial conformance with the plans submitted with this application as prepared by Cannon Design, received November 19, 2021.
4. All landscaping shall be maintained and vegetation that is totally or predominantly dead and/or disfigured due to disease or injury shall be replaced as needed, and sufficient landscaping shall be provided on the property to be consistent with the landscape plan to the extent possible, as required under Section 405.540 Landscaping.
5. Any future signs and banners shall be in conformance with Article VIII, Sign Regulations, of the Zoning Code or as authorized by the Master Sign Plan approved for the Mercy Medical Campus.
6. Any future enlargement, extension, expansion or alteration in the use of the structures or site must be approved by the City Council upon receipt of the recommendation of the Planning and Zoning Commission as an amendment to the Conditional Use Permit before a Building Permit for the enlargement, expansion or alteration may be issued.
7. Failure to comply with any one or all of the conditions of this permit shall be adequate cause for the revocation of said permit by the City Council, provided, however, no permit shall be revoked without prior notice to the owner of the intention of the City Council to revoke this permit and reasonable time granted to the owner to correct or remedy any such breach of conditions, except for repeated breaches or violations.
8. No conditional use permit granted by the City Council shall be valid for a period longer than one year from the date it grants the conditional use permit, unless within such period: (1) a building permit is obtained and construction is begun; or (2) if a building permit is not required, an occupancy permit is obtained, and the use of the building commenced. The City Council may grant extensions to the one (1) year period of not more than one hundred and eighty (180) days each, without notice or hearing, provided that a written request for such extension is filed by the original applicant and approved by the City Council prior to the date the conditional use permit is scheduled to expire.

Section 3: The City Administrator of the City of Creve Coeur is hereby authorized and directed to issue an amended Conditional Use Permit in accordance with the provisions of this ordinance, said permit to expressly provide for the conditions and stipulations hereinabove set out in Section 2 of this ordinance. Exercise of the rights granted pursuant to the issued permit shall constitute acceptance of all conditions and stipulations set forth herein.

SECTION 4: This ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter.

ADOPTED THIS ____ DAY OF _____, 2022.

HEATHER SILVERMAN
PRESIDENT OF CITY COUNCIL

BILL NO. 5998

ORDINANCE NO. _____

APPROVED THIS ____ DAY OF _____, 2022.

DR. ROBERT HOFFMAN
MAYOR

ATTEST:

KELLIE HENKE
CITY CLERK



300 North New Ballas Road • Creve Coeur, Missouri 63141
(314) 432-6000 • Fax (314) 872-2539 • Relay MO 1-800-735-2966
www.creve-coeur.org

**APPLICATION TO PLANNING AND ZONING COMMISSION
#21-030: CONDITIONAL USE PERMIT FOR A DRIVE THROUGH
PHARMACY KIOSK AT THE MERCY BALLAS OUTPATIENT
CENTER, 701 SOUTH NEW BALLAS ROAD**

FOR THE MEETING OF: Monday, December 20, 2021. Public Hearing required.
LOCATION: 701 South New Ballas Road. The property is zoned "PH" Planned Hospital

REQUEST: George Stock, Stock and Associates Consulting Engineers, on behalf of Mercy Health East Communities c/o Geralyn Lynch, has submitted an application for a Conditional Use Permit for a freestanding drive through pharmacy kiosk at the Mercy Ballas Outpatient Center, currently under construction. The proposed pharmacy kiosk will feature a canopy for weather protection and will be located on the southwest corner of the property within a surface parking lot. The kiosk will provide automated prescription pick-up for prescribed medications. Pharmacy kiosks in the PH-Planned Hospital District are listed under CCNAICS 442100 All Drive-in and Drive-through Services (excluding Food Services) as a conditional use with review and approval by the City Council upon the recommendation of the Planning and Zoning Commission.

ADDITIONAL INFORMATION: A text amendment to allow drive through pharmacy kiosks as a conditional use in the PH-Planned Hospital District was approved by the City Council on September 29, 2020 by Ordinance 5717. The Mercy Ballas Outpatient Center development was approved by the City Council on September 29, 2020 via Ordinance 5716 and is currently under construction.

Key Issues:

- Does the request further the goals and/or implement the Comprehensive Plan?
- Does the request follow the Design Guidelines?
- Is the request meet the conditional use requirements of section 405.470 A.8?

Creve Coeur 2030 References

- Campus Districts (CP) Place Type

Zoning Code References

- Table A: Permitted and Conditional Uses
- Section 405.310: PH-Planned Hospital District
- Section 405.470: Conditional Uses
- Section 405.1070: Conditional Use Permits

APPLICANT: George Stock
Stock and Associates
Consulting Engineers
257 Chesterfield Business
Parkway
Chesterfield, MO 63005

PROPERTY OWNER: Mercy Health East Communities
c/o Geralyn Lynch
615 S New Ballas Road
Creve Coeur, MO 63141

REPORT PREPARED BY: Jason Jaggi, AICP, Director of Community Development
DATE: 12/15/2021
ATTACHMENTS: Applicant's Materials received November 19, 2021
Draft Ordinance

PROPOSAL SUMMARY

The revised site concept plan for the Mercy Campus and the Mercy Ballas Outpatient Center site development plan was approved by the City Council on September 29, 2020, and the building is currently under construction. At the time, the new outpatient building was under review in 2020, Mercy also requested a text amendment to allow a drive through pharmacy kiosk in the Planned Hospital District as a conditional use. The text amendment was recommended for approval by the Planning and Zoning Commission and approved by the City Council also on September 29, 2020. Mercy is now requesting review and approval for the drive through pharmacy kiosk on the Mercy Ballas Campus.

George Stock, of Stock and Associates Consulting Engineers, on behalf of Mercy Health East Communities, has submitted a conditional use permit application for a freestanding drive through pharmacy kiosk that will be located within a surface parking lot on the southwest portion of the site, adjacent to the bulk oxygen enclosure at 701 S. New Ballas Road. The kiosk will allow patients to obtain prescribed medications without the need to enter the building. The kiosk will be in operation 24 hours per day. The facility will feature a canopy for weather protection that will resemble a bank ATM. The surrounding structure will have brick columns and a canopy with aluminum composite material to match the outpatient building. Proposed is a dedicated drive through lane measuring approximately 75-feet from the kiosk to the entrance. A raised concrete median and pavement striping will separate the drive through lane from the parking lot drive aisle.

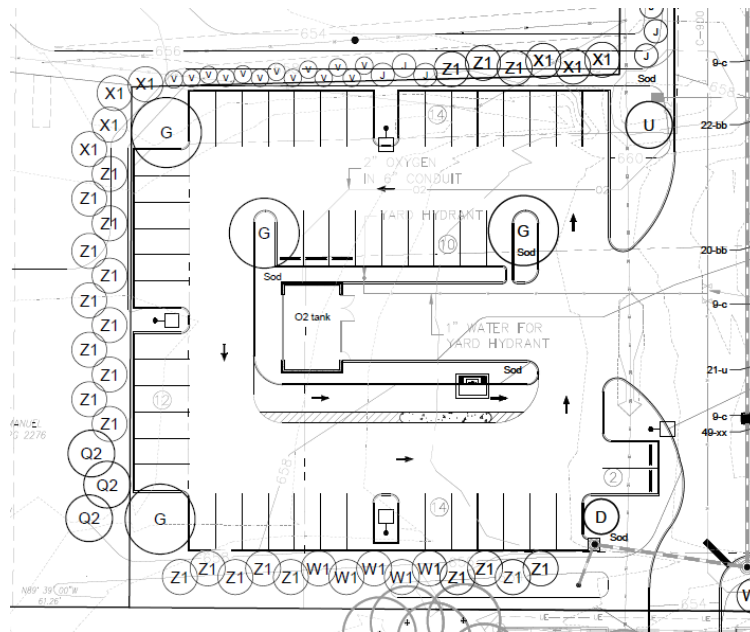


Figure 1: Close-up of the Mercy Ballas site and landscape plan showing the location for the drive through pharmacy kiosk.

LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Mercy Hospital Main Campus	PH-Planned Hospital	Conway Road
South	Medical Office Building	City of Town and Country	NA
East	Single Family Residential	Village of Westwood	South New Ballas Rd
West	Temple Emanuel	A-Single Family Residential	NA

COMPREHENSIVE PLAN REVIEW

The Mercy Hospital Campus is included in the Campus (CP) Place Type district that is intended for the development of large, multi-building office structures, institutional facilities, research buildings, educational, and healthcare facilities, deeply set back from site edges and surrounded by beautiful landscaped buffers. Campuses, by definition, consist of multiple primary buildings on a single site. Recommendations include Establish Primary Street and Secondary Street setbacks that are compatible with neighboring residential and commercial place type districts; setbacks should be developed separately for each civic and institutional place type, to reflect each place type's articulated vision. The Campus Place Type emphasizes the impacts of future development along the public street frontages while allowing for maximum flexibility on the interior of the site (p. 106).

The proposal is for a freestanding drive through kiosk on the Mercy Campus which was contemplated with the approval of the text amendment in 2020. This facility will be located within a building service area that is internal to the site. The proposal utilized the previously required landscaping in association with the new building around the parking which will serve as a buffer to the adjacent Temple Emanuel property. In addition, the canopy structure has been designed with materials that match those of the main medical building. With these considerations in mind, the proposal appears to meet with the comprehensive plan, given the limited scope of this application.

DESIGN GUIDELINES REVIEW

The Design Guidelines address accessory facilities within Chapter 3, Use Specific Guidelines. For accessory facilities such as ATM's and utility buildings, the Design Guidelines recommend that the structures are to be designed to directly relate in material, character and detail to the primary building(s) on the site (p. 14). This proposal is similar to a freestanding, drive up ATM machine. The design features a canopy that utilizes brick on the columns and ATM fascia on the canopy that match the materials and colors of the medical building in conformance with the Design Guidelines for these uses.

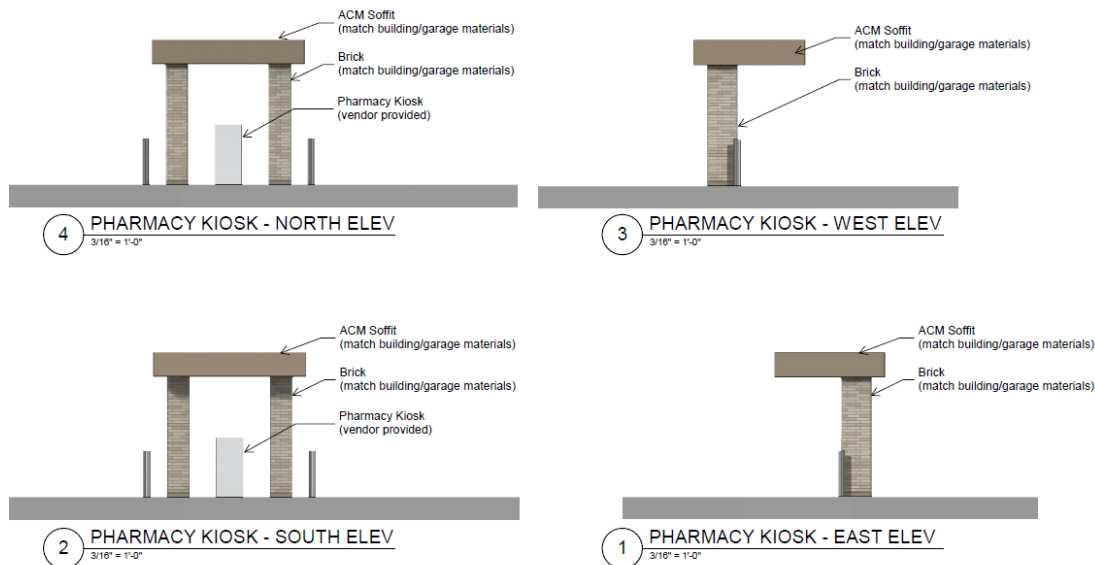


Figure 2: Exterior elevations for the drive through pharmacy kiosk

ZONING REVIEW

Drive through pharmacy kiosks are allowed in the PH- Planned Hospital District as a conditional use. Section 405.470.A. lists the following standards for such uses:

8. All drive-through and drive-in sales of goods or services including freestanding drive-in banking facilities (not including restaurants) (CC442100) (conditional use in the "PH," "MX," "PC," "GC," "CB" and "LI" districts).

- a. Shall provide space for at least three (3) cars per drive-up window or station.
- b. Shall provide landscaping to screen the view of drive-up waiting spaces from surrounding properties.
- c. Drive-up window access, waiting spaces and egress shall not interfere with site circulation or be hazardous to motorists entering, exiting or passing by the site.
- d. When provided in the "PH" District, drive-through services shall be limited to uses complementary to the medical uses existing on the campus.

The proposed kiosk contains a stacking lane of approximately 75-feet. Utilizing the required length of a 90-degree parking stall of 19-feet, the proposal provides enough space for approximately 4 cars and, therefore meets with this requirement. This proposal relies on landscaping along the perimeter of the site that was approved with the site plan for the medical outpatient building. The landscape plan is shown on L1.01 and provides a mix of evergreens and ornamental grasses around the edges of the property, adjacent to the surface parking lot where the kiosk is located. This landscaping meets with the requirement to screen the view of the stacking lane from the surrounding properties. The site plan provides a separated stacking lane for the kiosk which does not interfere with the access drive serving the adjacent parking spaces. The services of the kiosk are to provide prescribed medications in a convenient manner to those patients utilizing the medical services of the adjacent medical building.

Staff is of the opinion that the conditional use standards for this use are met with this proposal.

CONCLUSION

The proposed conditional use appears to meet the goals of the Comprehensive Plan and Design Guidelines, and satisfies the regulations contained in the Zoning Code. If the members of the Planning Commission are satisfied that the proposal meets the goals and objectives of the Comprehensive Plan and the applicable requirements of the Zoning Ordinance, the Commission may recommend approval of the conditional use permit. Below are the recommended conditions of approval.

1. The Conditional Use Permit shall be for a freestanding drive through pharmacy kiosk, CCNAICS 442100, on the Mercy Ballas portion of the Mercy St. Louis Medical Campus at 701 S. New Ballas Road, Creve Coeur, MO, 63141 zoned PH-Planned Hospital District, as submitted in conjunction with Application #21-030.
2. The pharmacy kiosk is approved to be in operation 24 hours a day, 7 days per week.
3. The Applicant is required to submit a building permit application, as required by Article II of the Building Code. The elevations shall be in substantial conformance with the plans submitted with this application as prepared by Cannon Design, received November 19, 2021.
4. All landscaping shall be maintained and vegetation that is totally or predominantly dead and/or disfigured due to disease or injury shall be replaced as needed, and sufficient landscaping shall be provided on the property to be consistent with the landscape plan to the extent possible, as required under Section 405.540 Landscaping.
5. Any future signs and banners shall be in conformance with Article VIII, Sign Regulations, of the Zoning Code or as authorized by the Master Sign Plan approved for the Mercy Medical Campus.
6. Any future enlargement, extension, expansion or alteration in the use of the structures or site must be approved by the City Council upon receipt of the recommendation of the Planning and Zoning Commission as an amendment to the Conditional Use Permit before a Building Permit for the enlargement, expansion or alteration may be issued.
7. Failure to comply with any one or all of the conditions of this permit shall be adequate cause for the revocation of said permit by the City Council, provided, however, no permit shall be revoked without prior notice to the owner of the intention of the City Council to revoke this permit and reasonable time granted to the owner to correct or remedy any such breach of conditions, except for repeated breaches or violations.

8. No conditional use permit granted by the City Council shall be valid for a period longer than one year from the date it grants the conditional use permit, unless within such period: (1) a building permit is obtained and construction is begun; or (2) if a building permit is not required, an occupancy permit is obtained, and the use of the building commenced. The City Council may grant extensions to the one (1) year period of not more than one hundred and eighty (180) days each, without notice or hearing, provided that a written request for such extension is filed by the original applicant and approved by the City Council prior to the date the conditional use permit is scheduled to expire.

MOTION

The following is an example of an appropriate motion for this application:

“I move to recommend approval of the conditional use permit for the drive through pharmacy kiosk at 701 South New Ballas Road within the Mercy Medical Campus, subject to the conditions listed in the Staff Report and Draft Ordinance for the meeting of December 20, 2021” (Conditions may be added, eliminated, altered, and modified by preceding motion).

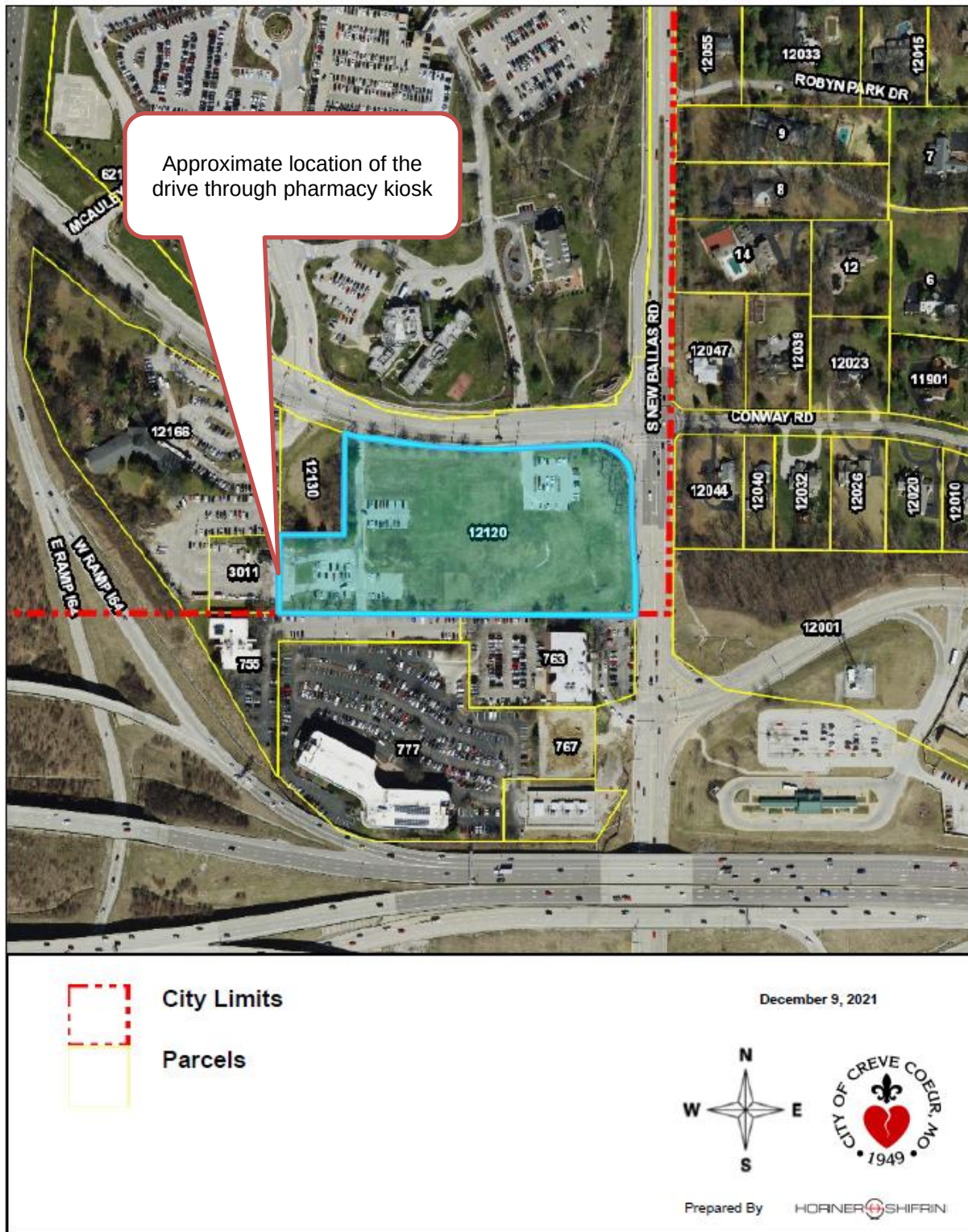
APPENDIX 1: COMPREHENSIVE PLAN

Included and attached by reference. See body of report for specific excerpts.

APPENDIX 2: ZONING CODE

Included and attached by reference. See body of report for specific excerpts.

APPENDIX 3: AERIAL PHOTO



APPENDIX 4: SITE PHOTOGRAPHS

Date:12/15/2021

	Description: View looking south at the Mercy Ballas Outpatient Center currently under construction
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PHARMACY KIOSK - CONDITIONAL USE PERMIT - SITE PLAN

MERCY BALLAS

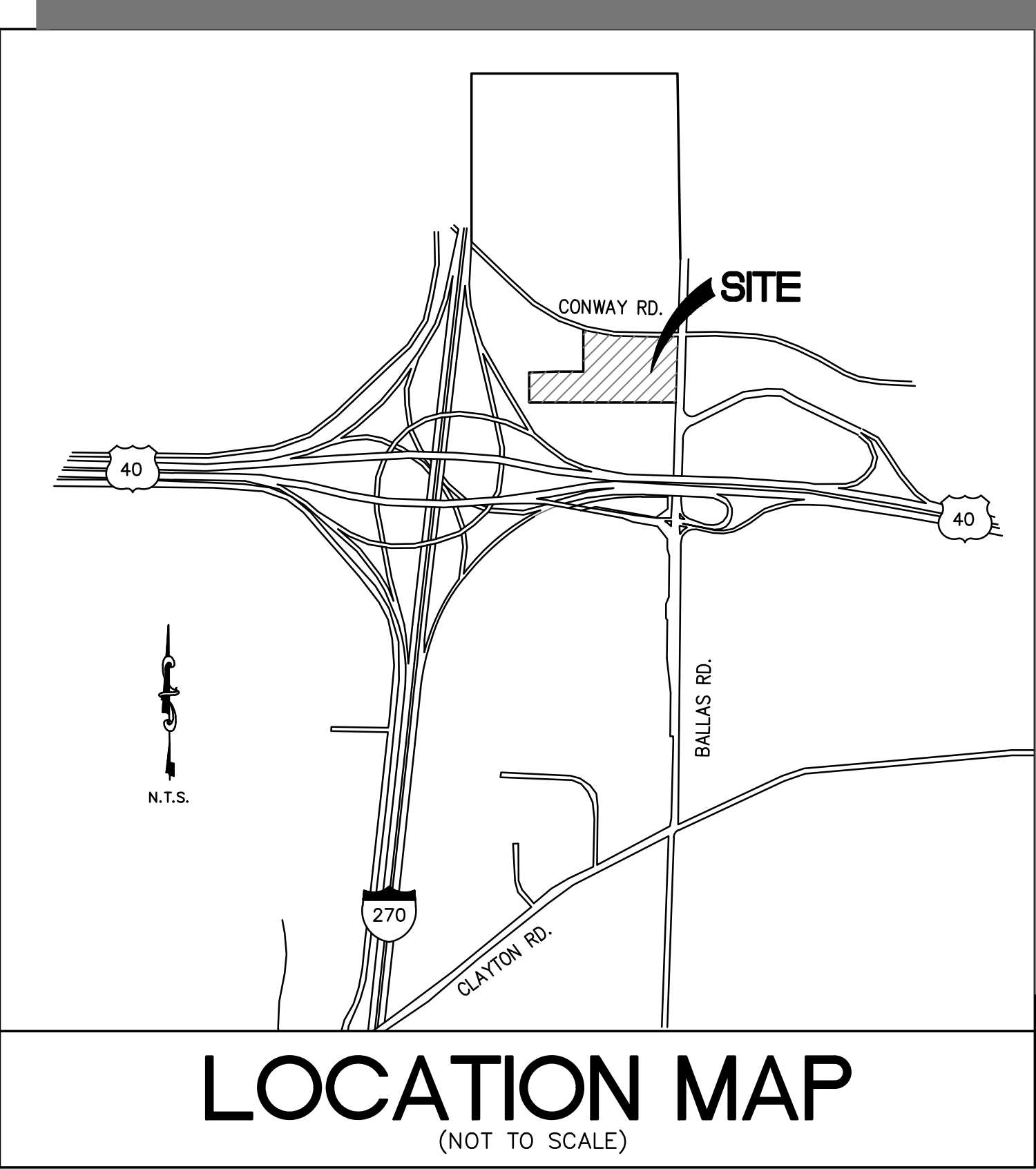
A TRACT OF LAND BEING PART OF SECTION 15
TOWNSHIP 45 NORTH, RANGE 5 EAST OF THE 5TH PRINCIPAL MERIDIAN
CITY OF CREVE COEUR, ST. LOUIS COUNTY, MISSOURI

SHEET INDEX

- C1.0 TITLE SHEET
- C2.0 OVERALL SITE PLAN
- C2.1 ENLARGED SITE PLAN
- L1.01 LANDSCAPE PLAN
- PHARMACY KIOSK ELEVATIONS
- PHARMACY KIOSK OVERALL SOUTH ELEVATION

LEGEND	
	BENCH MARK
	FOUND IRON ROD
	FOUND IRON PIPE
	RIGHT OF WAY MARKER
	UTILITY POLE
	SUPPORT POLE
	UTILITY POLE WITH LIGHT
	LIGHT STANDARD
	ELECTRIC METER
	ELECTRIC MANHOLE
	ELECTRIC PEDESTAL
	ELECTRIC SPLICE BOX
	GAS DRIP
	GAS METER
	GAS VALVE
	TELEPHONE MANHOLE
	TELEPHONE PEDESTAL
	TELEPHONE SPLICE BOX
	CABLE TV PEDESTAL
	FIRE HYDRANT
	FIRE DEPARTMENT CONNECTION
	WATER MANHOLE
	WATER METER
	WATER VALVE
	POST INDICATOR VALVE
	CLEAN OUT
	STORM MANHOLE
	GRATED MANHOLE
	STORMWATER INLET
	GRATED STORMWATER INLET
	SANITARY MANHOLE
	TREE
	BUSH
	TRAFFIC SIGNAL
	PARKING METER
	STREET SIGN
	SPRINKLER
	MAIL BOX

ABBREVIATIONS	
C.O.	- CLEANOUT
DB	- DEED BOOK
E	- ELECTRIC
FL	- FLOWLINE
FT	- FEET
FND	- FOUND
G	- GAS
M.H.	- MANHOLE
N/F	- NOW OR FORMERLY
PL	- PLAT BOOK
PC	- PAGE
P.O.B.	- POINT OF BEGINNING
P.O.C.	- POINT OF COMMENCEMENT
P.V.C.	- POLYVINYL CHLORIDE PIPE
R.C.P.	- REINFORCED CONCRETE PIPE
SO.	- SQUARE
T	- TELEPHONE CABLE
V.C.P.	- VETRIFIED CLAY PIPE
W	- WATER
(66'W)	- RIGHT-OF-WAY WIDTH
M.B.	- MAIL BOX



PERTINENT DATA:

SITE ACREAGE	=	8.70 Ac.
OWNER	=	MERCY HEALTH EAST COMMUNITIES
LOCATOR No.	=	190330277
ZONING	=	"PH" PLANNED HOSPITAL DISTRICT
FIRE DISTRICT	=	CREVE COEUR FIRE DISTRICT
SCHOOL DISTRICT	=	PARKWAY SCHOOL DISTRICT
SEWER DISTRICT	=	METROPOLITAN SEWER DISTRICT
WATER SERVICE	=	MISSOURI-AMERICAN WATER CO
GAS SERVICE	=	LACLEDE GAS CO
ELECTRIC SERVICE	=	AMEREN UE ELECTRIC
PHONE SERVICE	=	AT&T
SITE ADDRESS	=	701 S. NEW BALLAS ROAD (BUILDING) 711 S. NEW BALLAS ROAD (GARAGE)

BOUNDARY DESCRIPTION (MERCY BALLAS)

A tract of land being located in Section 15, Township 45 North, Range 5 East of the Fifth Principal Meridian, City Of Creve Coeur, St. Louis County, Missouri, being more particularly described as follows:

Beginning at a found cut cross located at the southeast corner of a tract of land as conveyed to St. Johns Medical Center, by instrument recorded in Book 8011, Page 1010 of the St. Louis County records, said point also being located on the west right-of-way line of South New Ballas Road, variable width; thence along the south line of said St. Johns Medical Center tract, North 89 degrees 38 minutes 42 seconds West, 1024.35 feet to a found iron pipe at the southeast corner of said St. Johns Medical Center tract, said point also being the southeast corner of a tract of land as conveyed to Temple Emanuel, by instrument recorded in Book 4514, Page 244 of above said records; thence along the east and north lines of said Temple Emanuel tract the following courses and distances: North 00 degrees 15 minutes 26 seconds East, 178.65 feet; North 88 degrees 31 minutes 47 seconds East, 187.71 feet; thence North 00 degrees 25 minutes 35 seconds East, 304.15 feet to the southern right-of-way line of Conway Road, variable width; thence along said right-of-way line the following courses and distances: South 62 degrees 48 minutes 41 seconds East, 48.81 feet to the beginning of a curve to the left having a radius of 695.37 feet, along said curve with an arc length of 30.17 feet and a chord which bears South 70 degrees 43 minutes 32 seconds East, 30.17 feet; South 71 degrees 35 minutes 38 seconds East, 87.11 feet to a found iron rod; South 71 degrees 44 minutes 20 seconds East, 33.02 feet to a found spindle; South 84 degrees 14 minutes 28 seconds East, 51.85 feet; South 82 degrees 25 minutes 46 seconds East, 137.31 feet; South 87 degrees 41 minutes 36 seconds East, 142.40 feet; North 87 degrees 21 minutes 59 seconds East, 236.85 feet to the beginning of a curve to the right having a radius of 88.50 feet and along said curve with an arc length of 143.61 feet and a chord which bears South 46 degrees 09 minutes 02 seconds East, 128.36 feet to a point of tangency, said point also being located on the west right-of-way line of above said South New Ballas Road; thence along said right-of-way line, the following courses and distances: South 00 degrees 20 minutes 08 seconds West, 60.98 feet to a point of curvature to the left having a radius of 1196.00 feet; along said curve an arc length of 134.15 feet, and a chord which bears South 02 degrees 52 minutes 38 seconds East, 134.08 feet to a point of reverse curvature tot the right having a radius of 489.00 feet; along said curve with an arc length of 53.60 feet and a chord which bears South 02 degrees 57 minutes 01 seconds East, 53.07 feet and South 00 degrees 11 minutes 23 seconds West, 67.85 feet to the Point of Beginning, containing 379,050 square feet or 8.702 acres more or less.

SURVEYOR'S NOTES:

- The area shown as DED-ROW is an area that is shown as "RW Dedication" on a Right-of-way Survey recorded in Survey Book 8, Page 7 of the St. Louis County Records. No evidence of the actual dedication to the City of Creve Coeur, St. Louis County or the State of Missouri has been found by the surveyor or title company as of the date of this survey.
- Mercy Hospitals East Communities conveyed a strip of land along New Ballas Road to the State of Missouri by a deed recorded in Deed Book 19969, Page 459 which was not excepted from the description in the title commitment.

GENERAL NOTES:

Yard and setback requirements.

Minimum front yard. No building or structure shall be located closer than ten (10) feet from the right-of-way established by the adopted site concept plan for a "PH" Planned Hospital District. In the event that parking is to be located in front of a building or structure, said building or structure shall be set back a minimum of fifty (50) feet from the planned right-of-way. In the event the planned right-of-way is greater than the present right-of-way with the required setback shall be measured from a line located a distance equal to one-half (1/2) of the present right-of-way. The provisions of Section 405.240 shall prevail where applicable on major streets and highways. In every instance, the first ten (10) feet of the front yard setback from the right-of-way shall be provided with and maintained with sidewalks, unless improved sidewalks exist in the abutting public right-of-way, and with landscaping including, but not limited to, deciduous street trees as required by Section 405.540.

Minimum side yard. Twenty (20) feet.

Minimum rear yard. Twenty (20) feet.

Buffer yards. Any tract or site abutting a single-family residential zoning district with no intervening right-of-way shall provide a buffer yard setback of not less than two hundred (200) feet for both structures and parking surfaces. However, when a property zoned "PH" is adjacent to a conditional use within a residential zoning district, the setback, for buildings not exceeding three (3) stories or forty-five (45) feet in height is reduced to not less than twenty-five (25) feet for parking or driveways and sixty (60) feet for buildings. However, provided further that the setback for parking and driveways shall be reduced to zero to the extent that, and for long as, the planned hospital site or tract and the institutional use maintain an easement providing for shared access to both properties. The buffer yard setbacks resulting from these requirements shall be landscaped and provided with other screening devices as deemed appropriate by the Planning and Zoning Commission.

2) Subject property lies within Flood Zone "X" Areas determined to be outside the 0.2% annual chance floodplain according to the National Flood Insurance Program, Flood Insurance Rate Map for St. Louis County and Incorporated Areas. This map is identified as Map No. 29189C0189K with an effective date of February 4, 2015

M.S.D. BENCHMARK

BENCHMARK 13374 NG029 Elev = 649.20
Set "X" on the top northwest corner of concrete base for raised metal traffic signal control box at the northeast corner of Conway Road and South New Ballas Road; roughly 6.8 feet east of a traffic signal mast with signal arm extending over New Ballas Road, and 39 feet north of the centerline of Conway Road.

STOCK AND ASSOCIATES CONSULTING ENGINEERS, INC. AND THE UNDERSIGNED ENGINEER HAVE NO RESPONSIBILITY FOR SERVICES PROVIDED BY OTHERS TO IMPLEMENT THE IMPROVEMENTS SHOWN ON THIS PLAN AND ALL OTHER DRAWINGS WHERE THE UNDERSIGNED ENGINEER'S SEAL APPEARS. THE CONSTRUCTION MEANS AND METHODS ARE THE SOLE RESPONSIBILITY OF THE OWNER AND CONTRACTOR. STOCK AND ASSOCIATES CONSULTING ENGINEERS, INC. HAS NO RESPONSIBILITY TO VERIFY FINAL IMPROVEMENTS AS SHOWN ON THIS PLAN UNLESS SPECIFICALLY ENGAGED AND

UTILITY NOTE

UNDERGROUND FACILITIES, STRUCTURES AND UTILITIES HAVE BEEN PLOTTED FROM AVAILABLE SURVEYS, RECORDS AND INFORMATION, AND, THEREFORE DO NOT NECESSARILY REFLECT THE ACTUAL EXISTENCE, NON-EXISTENCE, SIZE, TYPE, NUMBER, OR LOCATION OF THESE FACILITIES, STRUCTURES AND UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACTUAL LOCATION OF ALL UNDERGROUND FACILITIES, STRUCTURES, AND UTILITIES, EITHER SHOWN OR NOT SHOWN ON THESE PLANS. THE UNDERGROUND FACILITIES, STRUCTURES, AND UTILITIES SHALL BE LOCATED IN THE FIELD PRIOR TO ANY GRADING, EXCAVATION OR CONSTRUCTION OF IMPROVEMENTS. THESE PROVISIONS SHALL IN NO WAY ABSOLVE ANY PARTY FROM COMPLYING



MISSOURI ONE-CALL: 1-800-344-7483
ST. LOUIS COUNTY: (314) 615-0215
SIGNALS & LIGHTING:



Mercy Hospital St. Louis
Outpatient Center

CANNONDESIGN

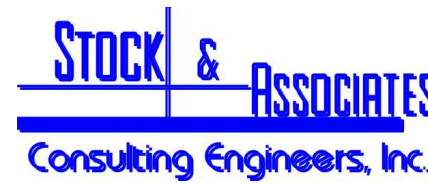
1100 Clark Ave
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P: 314.251.6250
F: 314.241.2570
www.cannondesign.com



Heideman Associates, Inc.
MEP Engineering
240 Larkin Williams Ind Ct.
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(636) 492-3200



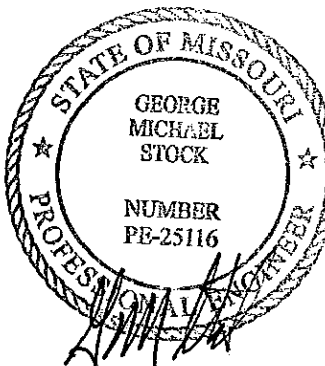
KPFF Consulting Engineers
Structural Engineering
1630 Des Peres Rd #100
St. Louis, MO 63131
(314) 835-0524



Stock and Associates Consulting Engineers, Inc.
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257 Chesterfield Business Parkway
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(636) 530-9100

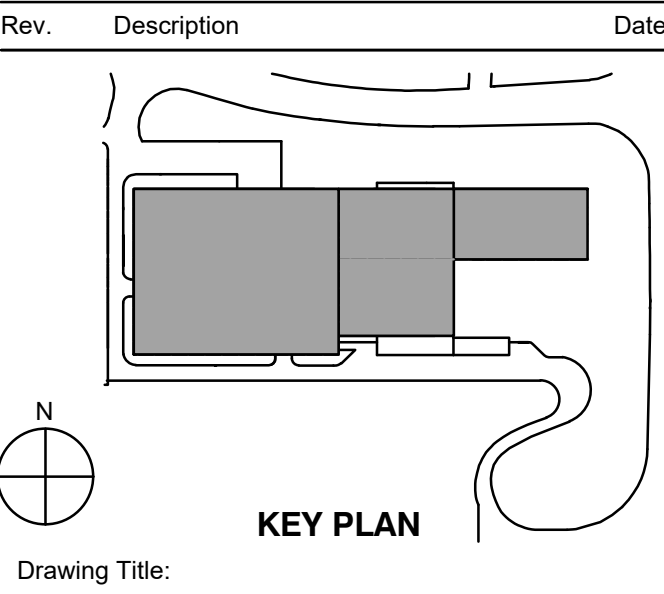


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750 Spirit 40 Park Drive
Chesterfield, MO 63305
(636) 519-8668



George M. Stock - E-25116
Civil Engineer C.O.A. - 000996

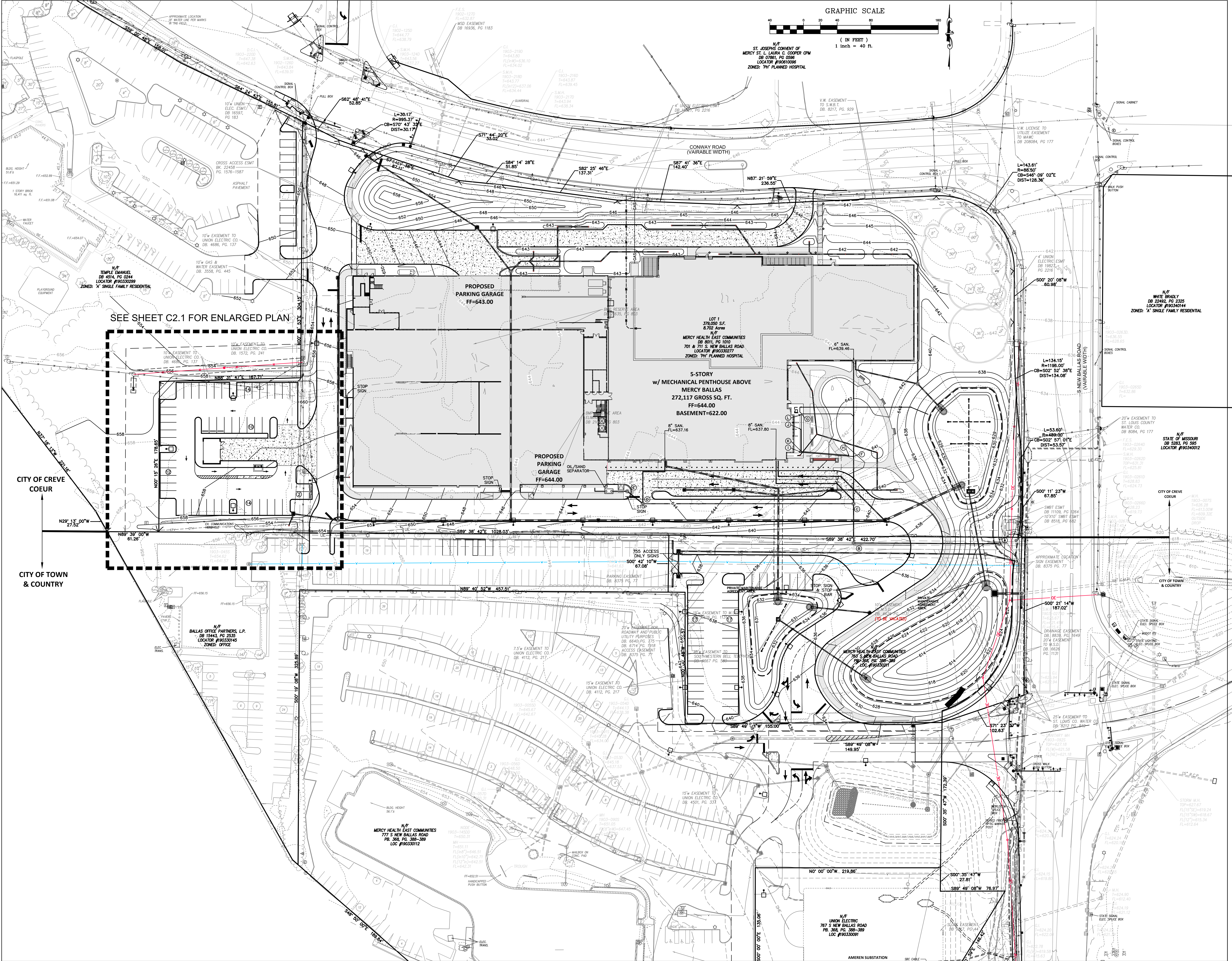
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DATE: 11/19/21	JOB NO: 215-5653.8
M.S.D. #: 20MSD-00361	BASE MAP #: 1903
S.L.C. H&T #: N/A	H&T SUP. #: N/A
M.D.N.R. #: MORA16750	



Project No.: 215-5653.8 Checked by:

C1.0

PREPARED FOR:
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c/o GERALYN LYNCH - Executive Director
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615 S. New Ballas Road
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Outpatient Center

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LOOMIS ASSOCIATES
landscape architects + planners

Loomis Associates
750 Spirit 40 Drive
Chesterfield, MO 63005
(636) 519-8668

STATE OF MISSOURI
N/E
DB 5083, PG. 305
LOCATOR #190340012

STATE OF MISSOURI
N/E
DB 5083, PG. 305
LOCATOR #190340012

George M. Stock - E-25116
Civil Engineer C.O.A. - 000996

DRAWN BY:	C.M.S.	CHECKED BY:	C.M.S.
DATE:	11/19/21	JOB NO.:	215-5653.8
M.S.D. #:	20MSD-00361	BAKE MAP #:	1903
S.L.C. HAT #:	N/A	HAT SUP. #:	N/A
M.O.N.R. #:	MORA16750		

Rev. Description Date

KEY PLAN

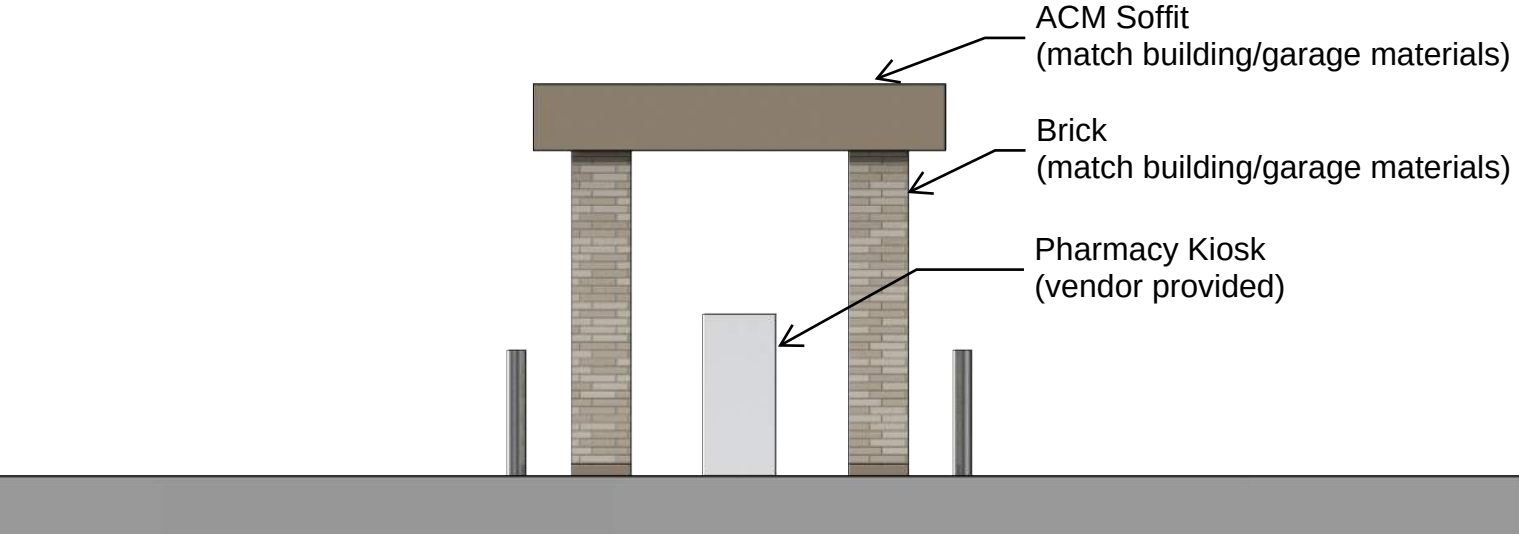
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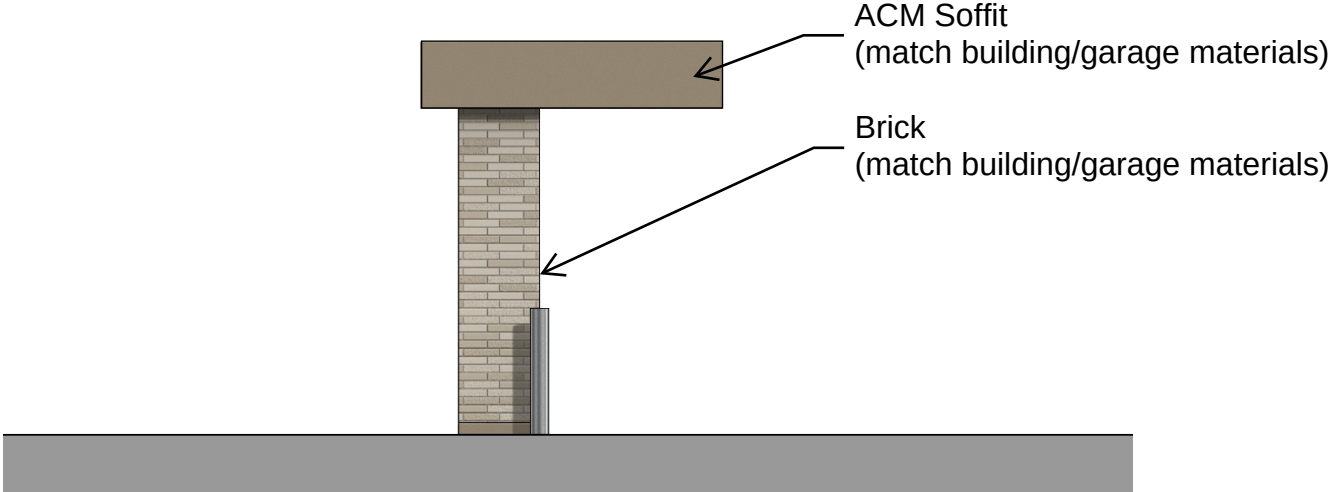
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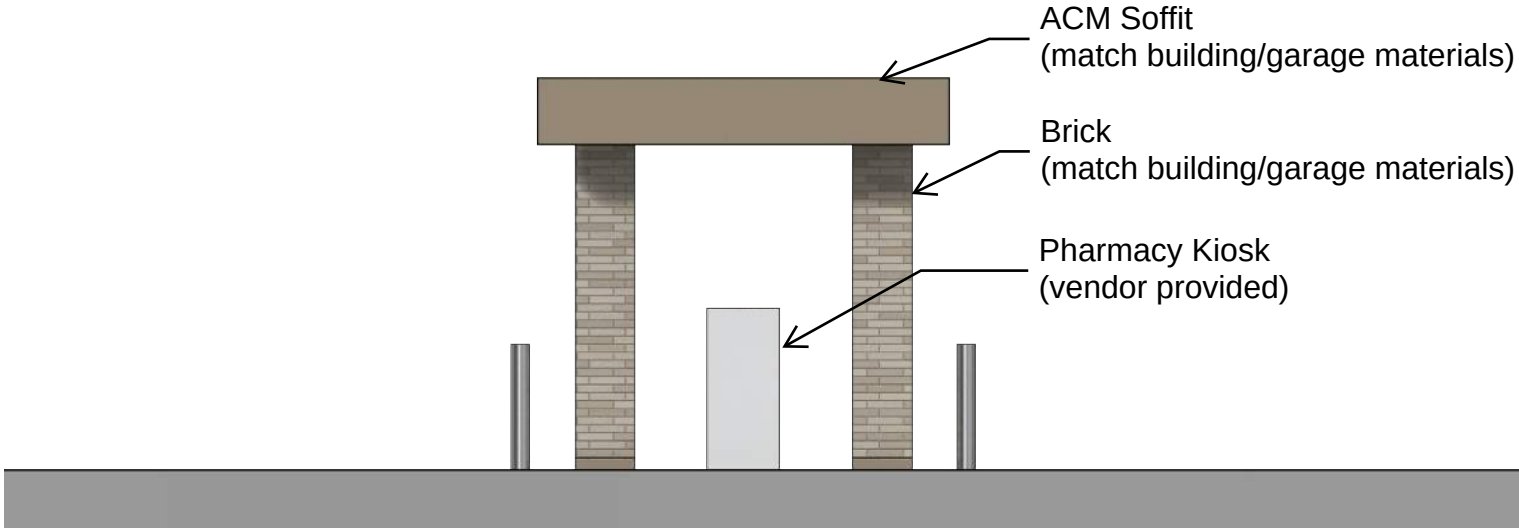
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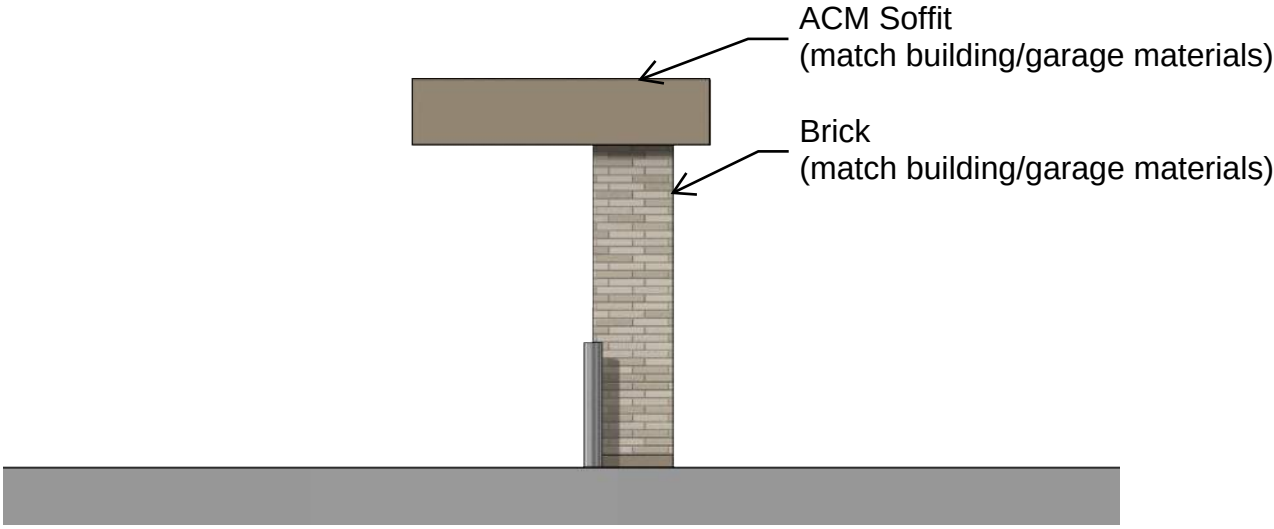
4 PHARMACY KIOSK - NORTH ELEV
3/16" = 1'-0"



3 PHARMACY KIOSK - WEST ELEV
3/16" = 1'-0"



2 PHARMACY KIOSK - SOUTH ELEV
3/16" = 1'-0"



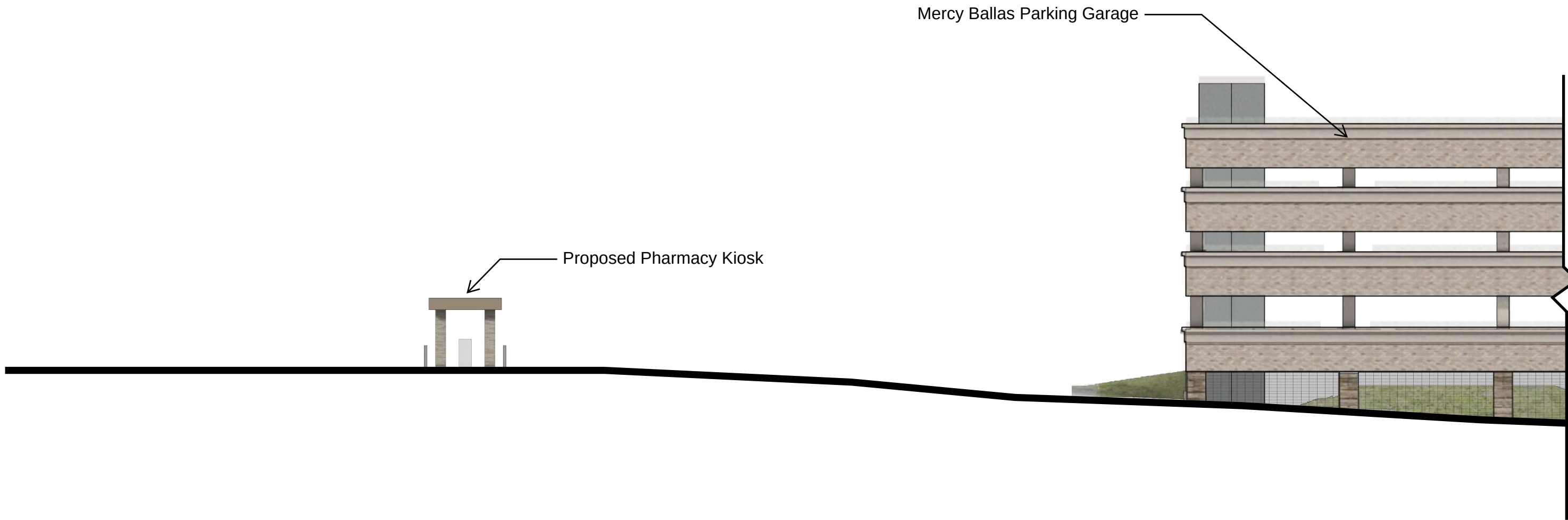
1 PHARMACY KIOSK - EAST ELEV
3/16" = 1'-0"

Pharmacy Kiosk Elevations



MERCY BALLAS





Pharmacy Kiosk Overall South Elevation



MERCY BALLAS





Appendix- B: Product Descriptions

HA-1000 XLR 4.5" Round Kiosk System

Customer Unit Details

