6:00 P.M. – CITY COUNCIL MEETING
1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. REMEMBRANCE OF OUR SERVICE MEN AND WOMEN
5. COMMUNITY ANNOUNCEMENTS
6. APPROVAL OF MINUTES
7. APPROVAL OF BILLS
8. REPORT OF THE CITY CLERK
9. REPORT OF THE CITY ATTORNEY
   Resolutions
   • R2023-61 – Liquor License Renewals
   • R2023-62 – Contract: Repair of Playground Surface – Canterway Park
   • R2023-63 – Contract: Purchase of Police Patrol Vehicle (K-9 Vehicle)
   • R2023-64 – Contract: Nuisance Abatement Services
   Ordinances
   • Bill 18-2023 – Amending Chapter 500 Building Codes and Regulations, Article I. General Provisions
   • Bill 19-2023 – Amending Chapter 510 Dangerous Buildings
10. STAFF REPORTS
11. RESIDENTS COMMENTS
12. REPORT OF THE CITY COUNCIL
13. REPORT OF THE MAYOR
14. ADJOURNMENT

WORK SESSION – Immediately following City Council Meeting
1. Discussion: Fencing at Brooks Park
2. Discussion: Consent Agenda
3. Discussion: Purchasing Code

EXECUTIVE SESSION – Immediately following City Council Work Session
1. Legal, in accordance with RSMo 610.021(1)
2. Real Estate, in accordance with RSMo 610.021(2)

For Community Announcements and Residents Comments, Requests to Address the Council form must be completed and turned in to Mayor or City Clerk prior to the start of the City Council Meeting.
EXECUTIVE SESSION
Councilwoman Jones made a motion to go into Executive Session for the purpose of personnel in accordance with RSMO 610.021(3). Councilwoman Ruckman seconded. The vote was polled as follows: Ruckman – yes; Wroblewski – yes; Furnace – yes; Stiebel – yes; Jones – yes; Requejo – yes; Barnard – yes; and Bennett – yes. Motion carried.

CALL TO ORDER
Mayor Little called the meeting to order at 6:00 p.m.

ROLL CALL
Ruckman
Wroblewski
Furnace
Stiebel
Jones
Requejo
Barnard
Bennett

PLEDGE OF ALLEGIANCE

REMEMBRANCE OF SERVICEMEMBERS AND FIRST RESPONDERS
Councilman Wroblewski made a motion to amend the agenda to add an Executive Session for the purposes of legal, in accordance with RSMo 610.021(1), and real estate, in accordance with RSMo 610.021(2). Councilman Bennett seconded. The vote was polled as follows: Ruckman – yes; Wroblewski – yes; Furnace – yes; Stiebel – yes; Jones – yes; Requejo – yes; Barnard – yes; and Bennett – yes. Motion carried.

Mayor Little announced the appointment of Darlyng Lara-Nunez to the Overland Police Department. City Clerk Melissa Burton sworn in Officer Lara-Nunez.

PUBLIC HEARINGS
City Administrator Jason McConachie read public hearing notices for the following matters:
- Zoning Text Amendment: Amend Section 400.335 Unattended Donation/Collection Boxes

  City Administrator McConachie summarized proposed Section 400.335. Discussion took place on enforcement of this Section.

- Zoning Text Amendment: Amend Chapter 420 Tree Preservation.
City Administrator McConachie summarized proposed amendments to Section 400.335 for Tree Preservation.

COMMUNITY ANNOUNCEMENTS

APPROVAL OF MINUTES

June 12, 2023, City Council Meeting
Councilwoman Jones made a motion to approve the June 12, 2023, Council Meeting minutes as presented. Councilwoman Ruckman seconded. The vote was polled as follows: Ruckman – yes; Wroblewski – yes; Furnace – yes; Stiebel – yes; Jones – yes; Requejo – yes; Barnard – yes; and Bennett – yes. Motion carried.

June 12, 2023, City Council Work Session
Councilwoman Jones made a motion to approve the May 22, 2023, Council Work Session minutes as presented. Councilman Wroblewski seconded. The vote was polled as follows: Ruckman – yes; Wroblewski – yes; Furnace – yes; Stiebel – yes; Jones – yes; Requejo – yes; Barnard – yes; and Bennett – yes. Motion carried.

APPROVAL OF BILLS
Councilwoman Requejo made a motion to approve the bills as presented Councilman Wroblewski seconded. The vote was polled as follows: Ruckman – yes; Wroblewski – yes; Furnace – yes; Stiebel – yes; Jones – yes; Requejo – yes; Barnard – yes; and Bennett – yes. Motion carried.

REPORT OF THE CITY CLERK

REPORT OF THE CITY ATTORNEY

Resolutions

• R2023-50 – FY2023/2024 General Fund Budget
  Councilman Wroblewski made a motion to approve R2023-50 as presented. Councilwoman Jones seconded. The vote was polled as follows: Ruckman – yes; Wroblewski – yes; Furnace – yes; Stiebel – yes; Jones – yes; Requejo – yes; Barnard – yes; and Bennett – yes. Motion carried.

• R2023-51 – FY2023/2024 Park Fund Budget
  Councilwoman Jones made a motion to approve R2023-51 as presented. Councilman Bennett seconded. The vote was polled as follows: Ruckman – yes; Wroblewski – yes; Furnace – yes; Stiebel – yes; Jones – yes; Requejo – yes; Barnard – yes; and Bennett – yes. Motion carried.

• R2023-52 – FY2023/2024 Capital Improvement Budget
  Councilman Bennett made a motion to approve R2023-52 as presented. Councilwoman Jones seconded. The vote was polled as follows: Ruckman – yes; Wroblewski – yes; Furnace – yes; Stiebel – yes; Jones – yes; Requejo – yes; Barnard – yes; and Bennett – yes. Motion carried.
• **R2023-53 – FY2023/2024 Small Funds Budgets**
  Councilman Wroblewski made a motion to approve R2023-53 as presented. Councilwoman Ruckman seconded. The vote was polled as follows: Ruckman – yes; Wroblewski – yes; Furnace – yes; Stiebel – yes; Jones – yes; Requejo – yes; Barnard – yes; and Bennett – yes. Motion carried.

• **R2023-54 – FY2023/2024 Employee Compensation**
  Councilman Bennett made a motion to approve R2023-54 as presented. Councilwoman Jones seconded. The vote was polled as follows: Ruckman – yes; Wroblewski – yes; Furnace – yes; Stiebel – yes; Jones – yes; Requejo – yes; Barnard – yes; and Bennett – yes. Motion carried.

• **R2023-55 – Contract: Purchase of Police Patrol Vehicles**
  Councilman Wroblewski made a motion to approve R2023-55 as presented. Councilman Bennett seconded. The vote was polled as follows: Ruckman – yes; Wroblewski – yes; Furnace – yes; Stiebel – yes; Jones – yes; Requejo – yes; Barnard – yes; and Bennett – yes. Motion carried.

• **R2023-56 – Resolution of Intention: Chapter 400. “Marijuana Facilities.”**
  Councilwoman Jones made a motion to approve R2023-56 as presented. Councilman Wroblewski seconded. The vote was polled as follows: Ruckman – yes; Wroblewski – yes; Furnace – yes; Stiebel – yes; Jones – yes; Requejo – yes; Barnard – yes; and Bennett – yes. Motion carried.

• **R2023-57 – Liquor License Renewals**
  Councilman Bennett made a motion to approve R2023-57 as presented. Councilwoman Jones seconded. The vote was polled as follows: Ruckman – yes; Wroblewski – yes; Furnace – yes; Stiebel – yes; Jones – yes; Requejo – yes; Barnard – yes; and Bennett – yes. Motion carried.

• **R2023-58 – Grant: Bulletproof Vest Partnership**
  Councilwoman Ruckman made a motion to approve R2023-58 as presented. Councilwoman Requejo seconded. The vote was polled as follows: Ruckman – yes; Wroblewski – yes; Furnace – yes; Stiebel – yes; Jones – yes; Requejo – yes; Barnard – yes; and Bennett – yes. Motion carried.

• **R2023-59 – MSHP HIDTA Subaward Agreement**
  Councilman Bennett made a motion to approve R2023-59 as presented. Councilwoman Requejo seconded. The vote was polled as follows: Ruckman – yes; Wroblewski – yes; Furnace – yes; Stiebel – yes; Jones – yes; Requejo – yes; Barnard – yes; and Bennett – yes. Motion carried.

• **R2023-60 – Contract: Winter Deicing Salt**
Councilwoman Jones made a motion to approve R2023-60 as presented. Councilwoman Ruckman seconded. The vote was polled as follows: Ruckman – yes; Wroblewski – yes; Furnace – yes; Stiebel – yes; Jones – yes; Requejo – yes; Barnard – yes; and Bennett – yes. Motion carried.

**Ordinances**

- **Bill 13-2023 – Amend Section 400.335 UDCB**
  
  City Attorney Joe Bond read Bill 13-2023 in the short form.

  Councilman Wroblewski made a motion read Bill 13-2023 for a second reading by title only. Councilwoman Ruckman seconded. The vote was polled as follows: Ruckman – yes; Wroblewski – yes; Furnace – yes; Stiebel – yes; Jones – yes; Requejo – yes; Barnard – yes; and Bennett – yes. Motion carried.

  City Attorney Bond read Bill 13-2023 in the short form a second time.

  Councilwoman Jones made a motion to approve Bill 13-2023, “An Ordinance Amending Article V. Supplementary District Regulations, Section 400.335 Clothing Drop Boxes Of The Code Of Ordinances Of The City Of Overland, Missouri, By Repealing Section 400.335 Clothing Drop Boxes In Its Entirety And Enacting A New Article XIX. Unattended Donation/Collection Boxes” as Ordinance #2023-12. Councilwoman Ruckman seconded. The vote was polled as follows: Ruckman – yes; Wroblewski – yes; Furnace – yes; Stiebel – yes; Jones – yes; Requejo – yes; Barnard – yes; and Bennett – yes. Motion carried.

- **Ordinance #2023-12 - An Ordinance Amending Article V. Supplementary District Regulations, Section 400.335 Clothing Drop Boxes Of The Code Of Ordinances Of The City Of Overland, Missouri, By Repealing Section 400.335 Clothing Drop Boxes In Its Entirety And Enacting A New Article XIX. Unattended Donation/Collection Boxes**

- **Bill 14-2023 – Amend Section Chapter 420 Tree Preservation**
  
  City Attorney Joe Bond read Bill 14-2023 in the short form.

  Councilman Furnace made a motion read Bill 14-2023 for a second reading by title only. Councilwoman Jones seconded. The vote was polled as follows: Ruckman – yes; Wroblewski – yes; Furnace – yes; Stiebel – yes; Jones – yes; Requejo – yes; Barnard – yes; and Bennett – yes. Motion carried.

  City Attorney Bond read Bill 14-2023 in the short form a second time.

  Councilwoman Requejo made a motion to approve Bill 14-2023, “An Ordinance Amending Title IV. Land Uses, Chapter 420 Tree Preservation And Restoration Of The Code Of Ordinances Of The City Of Overland, Missouri, By Repealing Chapter 420 Tree Preservation And Restoration In Its Entirety And Enacting A
New Chapter 420 Tree Preservation And Restoration” as Ordinance #2023-13. Councilman Wroblewski seconded. The vote was polled as follows: Ruckman – yes; Wroblewski – yes; Furnace – yes; Stiebel – yes; Jones – yes; Requejo – yes; Barnard – yes; and Bennett – yes. Motion carried.

Ordinance #2023-13 - An Ordinance Amending Title IV, Land Uses, Chapter 420 Tree Preservation And Restoration Of The Code Of Ordinances Of The City Of Overland, Missouri, By Repealing Chapter 420 Tree Preservation And Restoration In Its Entirety And Enacting A New Chapter 420 Tree Preservation And Restoration

- Bill 15-2023 – Add Section 225.096 Administrative Warrants
City Attorney Joe Bond read Bill 15-2023 in the short form.

Councilman Bennett made a motion read Bill 15-2023 for a second reading by title only. Councilman Wroblewski seconded. The vote was polled as follows: Ruckman – yes; Wroblewski – yes; Furnace – yes; Stiebel – yes; Jones – yes; Requejo – yes; Barnard – yes; and Bennett – yes. Motion carried.

City Attorney Bond read Bill 15-2023 in the short form a second time.

Councilman Wroblewski made a motion to approve Bill 15-2023, “An Ordinance Amending Chapter 225 Nuisances Of The Code Of Ordinances Of The City Of Overland, Missouri, By The Adoption Of A New Section 225.096 Administrative Warrants” as Ordinance #2023-14. Councilwoman Jones seconded. The vote was polled as follows: Ruckman – yes; Wroblewski – yes; Furnace – yes; Stiebel – yes; Jones – yes; Requejo – yes; Barnard – yes; and Bennett – yes. Motion carried.

Ordinance #2023-14 - An Ordinance Amending Chapter 225 Nuisances Of The Code Of Ordinances Of The City Of Overland, Missouri, By The Adoption Of A New Section 225.096 Administrative Warrants.

- Bill 16-2023 – Add Section 600.340 Commercial Quadricycle
City Attorney Joe Bond read Bill 16-2023 in the short form.

Councilman Wroblewski made a motion read Bill 16-2023 for a second reading by title only. Councilwoman Jones seconded. The vote was polled as follows: Ruckman – yes; Wroblewski – yes; Furnace – yes; Stiebel – yes; Jones – yes; Requejo – abstain; Barnard – yes; and Bennett – yes. Motion carried.

City Attorney Bond read Bill 16-2023 in the short form a second time.

Councilwoman Jones made a motion to approve Bill 16-2023, “An Ordinance Amending Chapter 600, Alcoholic Beverages, Relating To Commercial
Quadricycle Use” as Ordinance #2023-15. Councilman Wroblewski seconded. The vote was polled as follows: Ruckman – yes; Wroblewski – yes; Furnace – yes; Stiebel – yes; Jones – yes; Requejo – abstain; Barnard – yes; and Bennett – yes. Motion carried.

Ordinance #2023-15 - An Ordinance Amending Chapter 600, Alcoholic Beverages, Relating To Commercial Quadricycle Use

- Bill 17-2023 – Right-of-Way Agreement: XO Communications
City Attorney Joe Bond read Bill 17-2023 in the short form.

Councilwoman Jones made a motion read Bill 17-2023 for a second reading by title only. Councilman Wroblewski seconded. The vote was polled as follows: Ruckman – yes; Wroblewski – yes; Furnace – yes; Stiebel – yes; Jones – yes; Requejo – yes; Barnard – yes; and Bennett – yes. Motion carried.

City Attorney Bond read Bill 17-2023 in the short form a second time.

Councilwoman Jones made a motion to approve Bill 17-2023, “An Ordinance Of The City Of Overland, Missouri, Authorizing The Mayor To Execute On Behalf Of The City The "Rights-Of-Way Use Agreement” And Settlement Between The City And XO Communications Services, LLC ("XO") Relating To Compensation For Use Of The Rights-Of-Way” as Ordinance #2023-16. Councilman Bennett seconded. The vote was polled as follows: Ruckman – yes; Wroblewski – yes; Furnace – yes; Stiebel – yes; Jones – yes; Requejo – yes; Barnard – yes; and Bennett – yes. Motion carried.

Ordinance #2023-16 - An Ordinance Of The City Of Overland, Missouri, Authorizing The Mayor To Execute On Behalf Of The City The "Rights-Of-Way Use Agreement” And Settlement Between The City And XO Communications Services, LLC ("XO") Relating To Compensation For Use Of The Rights-Of-Way

STAFF REPORT

RESIDENTS COMMENTS

REPORT OF THE CITY COUNCIL

REPORT OF THE MAYOR

ADJOURNMENT TO EXECUTIVE SESSION
There being no further business to discuss, Councilman Bennett made a motion to adjourn from the regular meeting and into Executive Session for legal, in accordance with RSMo 610.021(1), and real estate, in accordance with RSMo
610.021(2). Councilwoman Jones seconded. The vote was polled as follows: Ruckman – yes; Wroblewski – yes; Furnace – yes; Stiebel – yes; Jones – yes; Requejo – yes; Barnard – yes; and Bennett – yes. Motion carried.

ATTEST: 

____________________________________
MAYOR

____________________________________
CITY CLERK
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General Fund Paid Prior Total $157,115.93

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Capital Improvement Fund Total $64,322.73

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Parks & Recreation Fund Paid Prior Total $293.30

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<td>ST- Tires</td>
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**General Fund Total** $46,434.72

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<td>9228</td>
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<td>ROYAL PAPERS INC</td>
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**Parks & Recreation Fund Total** $9,861.26
## CHECK REGISTER FOR CITY OF OVERLAND
### FY2022/2023 Bills Paid Prior
City Council Meeting
Monday, July 17, 2023

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General Fund Paid Prior Total $281,680.43

| **Bank 05N US Bank - Capital Improvement** | | | | | |
| 07/13/2023 | 05N  | 6371 | AMEREN MISSOURI (01068) | AM- Street Lighting | $11,601.24 |

Capital Improvement Fund Paid Prior Total $11,601.24

| **Bank 06 US Bank - Parks & Recreation** | | | | | |
| 07/05/2023 | 06   | 9233 | SAM'S CLUB/SYNCHRONY BANK | CC- Bingo Prizes | $1,225.68 |
| 07/05/2023 | 06   | 9234 | SPECTRUM | CC- Cable TV | $232.11 |
| 07/06/2023 | 06   | 9235 | PRINCESS CATLIN | CC- Zumba Instructor | $54.00 |
| 07/06/2023 | 06   | 9236 | ROBERT SHRUM | CC- Wild Acres Guard Fee | $44.00 |
| 07/06/2023 | 06   | 9237 | VERIZON WIRELESS | CC- Cell phones | $97.22 |
| 07/13/2023 | 06   | 9238 | AMEREN MISSOURI (01068) | PK- Electric | $3,797.05 |
| 07/13/2023 | 06   | 9239 | METROPOLITAN ST. LOUIS | CC- Sewer | $270.11 |
| 07/13/2023 | 06   | 9240 | ROBERT SHRUM | CC- Wild Acres Guard Fee | $99.00 |
| 07/13/2023 | 06   | 9241 | SILVIA M LUNA-ZAPIAIN | CC- Yoga Instructor | $162.00 |
| 07/13/2023 | 06   | 9242 | SPIRE | HF- Gas | $117.74 |

Parks & Recreation Fund Paid Prior Total $6,098.91
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<td>BridgeTower Media</td>
<td>BA- Notice/7-12-2023 BOA meeting</td>
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<td>ELITE INTERPRETING &amp; TRANSLATIONS</td>
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General Fund Total for Approval: **65,871.35**
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**Total for Approval**

- Capital Improvement Total for Approval: 2,050.48
- Parks & Recreation Total for Approval: 10,311.12
Date: 07/13/2023
To: Mayor, City Council
Cc: City Administrator
From: Melissa J. Burton, City Clerk
RE: City Clerk’s Report

Planning & Zoning Commission Report
The following items were recommended for approval at the June 27, 2023, Planning & Zoning Commission meeting:

- **10144 Page Avenue – Conditional Use Permit/Site Plan Review – Automotive Service Center (Dent Wizard International Corp, LLC dba Dent Wizard International)**
  - Days & hours of operation: Monday – Friday, 8:00 a.m. – 5:00 p.m.
  - Total number of employees: Five (5) full-time employees
  - No outside storage
  - Five (5) company owned vehicles to be housed overnight behind building.

- **2301 Wallis – Conditional Use Permit/Site Plan Review – Commercial Electronic Message Board Sign (Universal Church of Jesus Christ)**
  - The commercial electronic message board sign is double sided, five feet (5') above grade, with a total area of 30 ft², and illuminated with LEDs, replacing existing static lettering displays.
  - Sign is subject to all conditions set forth in Section 400.850, regarding display and movement of text or imagery.

- **5 Document Drive – Conditional Use Permit/Site Plan Review – Medical Office (SSM Select Rehab St. Louis, LLC dba SSM Health Physical Therapy)**
  - Days & hours of operation: Monday – Friday, 8:00 a.m. – 5:00 p.m.
  - Total number of employees: 12 – 15 full-time employees
  - No outside storage
  - Four (4) company owned vehicles permitted to be parked overnight

- **9425 Midland Boulevard – Conditional Use Permit/Site Plan Review – Automotive Repair Facility (Caliber Holdings LLC dba Caliber Collision Center)**
  - Days & hours of operation: Monday – Friday, 7:30 a.m. – 5:30 p.m.
  - Total number of employees: five (5) employees
  - No outside storage
  - Customer vehicles permitted to be stored overnight on-site
  - Automotive sales prohibited.

- **10082 Page Avenue – Conditional Use Permit/Site Plan Review – Restaurant Carryout & Delivery (Hut Missouri, LLC dba Pizza Hut)**
- Days & hours of operation: Seven (7) days a week, 11:00 a.m. – 11:00 p.m.
- Total number of employees: fifteen (15) full-time employees
- Outside storage prohibited
- Overnight parking prohibited

Community Announcements

- Senior BBQ Luncheon: July 20, 2023, at 12:30 p.m. at Overland Community Center – pre-registration required, by calling the Community Center
- Parking Lot BINGO: July 26, 2023, 6:30 p.m. – 7:15 p.m. at Verona Pavilion parking lot – pre-registration required in person or online.
- Concert in the Park featuring Case 44: August 9, 2023, 6:00 p.m. at Norman Myers Park

Planning & Zoning Agenda Summary

The agenda summary for the July 25, 2023, Planning & Zoning meeting is attached.
June 30, 2023

Honorable Marty Little, Mayor
Members of the Overland City Council
9119 Lackland Road
Overland, Missouri 63114

Subject: Conditional Use Permit/ Site Plan Review
10144 Page Avenue; Dent Wizard International Corp LLC dba Dent Wizard International

Dear Mayor and Members of the Council:

Pursuant to the provisions of Article X. Conditional Uses of the Zoning Code of the City of Overland, the Planning and Zoning Commission conducted a Public Hearing on the above referenced Application filed by Luis Ramirez for the property located at 10144 Page Avenue. After hearing the evidence, it was the Commission’s decision to recommend **approval** of a Site Plan and Conditional Use Permit for the above referenced premises. In reaching this conclusion, the Commission considered all of the information and found as follows:

**FINDINGS**

- The property is zoned “C2” General Commercial.
- The property is located in the West Page Planning District.
- The property is currently owned by Enterprise Leasing Company of St. Louis
- The application is for an Automotive Service Center.
- The Board of Adjustment has approved the following variances: January 12, 1994 – Section 400.360.D.2 to construct an eight (8) foot fence, July 10, 1996 – Section 400.840.A.4 – Commercial Signage.

**CONCLUSIONS**
The Commission has concluded that the applications be approved, based on the above findings with the following conditions:

- Hours of operation – 8:00AM to 5:00PM;
- Days of operation – Monday through Friday;
- Total number of employees – Five (5) full-time employees;
- No outside storage;
- Five (5) company owned vehicles to be housed overnight behind the building;

Respectfully Submitted,

William Hardrick, Chairman
Planning & Zoning Commission

As prepared by: James Osborne
June 30, 2023

Honorable Marty Little, Mayor
Members of the Overland City Council
9119 Lackland Road
Overland, Missouri 63114

Subject: Conditional Use Permit/ Site Plan Review
2301 Wallis Avenue; Universal Church of Jesus Christ

Dear Mayor and Members of the Council:

Pursuant to the provisions of Article X. Conditional Uses of the Zoning Code of the City of Overland, the Planning and Zoning Commission conducted a Public Hearing on the above referenced Application filed by Arthur Mitchell for the property located at 2301 Wallis Avenue. After hearing the evidence, it was the Commission’s decision to recommend approval of a Site Plan and Conditional Use Permit for the above referenced premises. In reaching this conclusion, the Commission considered all of the information and found as follows:

FINDINGS
- The property is zoned “R3” Single Family Residential.
- The property is located in the West Midland Planning District.
- The property is currently owned by Universal Church of Jesus Christ.
- The application is for a commercial electronic message board sign.

CONCLUSIONS
The Commission has concluded that the applications be approved, based on the above findings with the following conditions:
- The commercial electronic message board sign shall be double sided, 5’ above grade and illuminated with LEDs, replacing the existing static lettering displays.
- The total square footage of the sign is thirty (30).
- Such signs shall be subject to the requirements for building-mounted or freestanding signs.
- A conditional use permit shall be required for such signs to determine the appropriateness of the proposed location of such sign and to set standards for the operational characteristics such as, but not limited to, the time frames between messages, and the safety impacts on the general public of such a display. Such signs which display only the time and temperature and are eight (8) or less square feet in area, and displays of gasoline and diesel fuel prices are not subject to conditional use permit approval. Such time/temperature signs and fuel price signs shall be constant and steady in nature, and shall not grow, melt, X-ray, up or down scroll, write on, traverse, inverse, roll, twinkle snow, present pictorials or other animation, or move or create the illusion of movement.
- The behavior and display of any on-premise electronic message sign existing on the date of the effective date of this Section that may be electronically programmed by any means, and of any on-premise electronic message sign installed or erected after the effective date of this Section, shall be subject to the following restrictions.
• The electronic message sign image or any portion thereof shall have a minimum duration of at least ten (10) seconds and shall be a static display. No portion of the image may flash, scroll, twirl, change color, or in any manner imitate movement.

• No portion of the on-premise electronic message sign may change its message or background in a manner or by a method of display characterized by motion or pictorial imagery, or depict action or a special effect to imitate movement, or the presentation of pictorials or graphics displayed in progression of frames that give the illusion of motion or the illusion of moving objects, moving patterns or bands of light or expanding or contracting shapes.

• No portion of any electronic message sign may fluctuate in light intensity or use intermittent, strobe or moving light or light that changes in intensity in sudden transitory bursts, streams, zooms, twinkles, sparkles, or that in any manner creates the illusion of movement.

• No audio speaker may be used in association with an on-premise electronic message sign.

Respectfully Submitted,

William Hardrick, Chairman  
Planning & Zoning Commission

As prepared by: James Osborne
July 05, 2023

Honorable Marty Little, Mayor
Members of the Overland City Council
9119 Lackland Road
Overland, Missouri 63114

Subject: Conditional Use Permit/ Site Plan Review
5 Document Drive; SSM Select Rehab St. Louis LLC dba SSM Health Physical Therapy

Dear Mayor and Members of the Council:

Pursuant to the provisions of Article X. Conditional Uses of the Zoning Code of the City of Overland, the Planning and Zoning Commission conducted a Public Hearing on the above referenced Application filed by Scott Mikulich for the property located at 5 Document Drive. After hearing the evidence, it was the Commission’s decision to recommend approval of a Site Plan and Conditional Use Permit for the above referenced premises. In reaching this conclusion, the Commission considered all of the information and found as follows:

FINDINGS
• The property is zoned “PD-M” Planned Development Manufacturing.
• The property is located in the Page & 170 Planning District.
• The property is currently owned by WGST LLC.
• The application is for a Medical Office (Outpatient Physical Therapy).
• The Board of Adjustment has approved the following variances: January 2001 – Section 400.240.D.2 – Minimum Lot Width, Section 400.240.D.6 – Landscaping and Screening, Section 400.440.I.1 - Minimum Parking Space Dimensions.

CONCLUSIONS
The Commission has concluded that the applications be approved, based on the above findings with the following conditions:
• Hours of operation – 8:00AM to 5:00PM;
• Days of operation – Monday through Friday;
• Total number of employees – 12 to 15 full-time employees;
• No outside storage;
• Four (4) company owned vehicles permitted to be parked overnight;

Respectfully Submitted,

William Hardrick, Chairman
Planning & Zoning Commission

As prepared by: James Osborne
July 05, 2023

Honorable Marty Little, Mayor
Members of the Overland City Council
9119 Lackland Road
Overland, Missouri 63114

Subject: Conditional Use Permit/ Site Plan Review
         9425 Midland Boulevard; Caliber Holdings LLC dba Caliber Collision Center

Dear Mayor and Members of the Council:

Pursuant to the provisions of Article X. Conditional Uses of the Zoning Code of the City of Overland, the Planning and Zoning Commission conducted a Public Hearing on the above referenced Application filed by Karen Walker for the property located at 9425 Midland Boulevard. After hearing the evidence, it was the Commission’s decision to recommend approval of a Site Plan and Conditional Use Permit for the above referenced premises. In reaching this conclusion, the Commission considered all of the information and found as follows:

FINDINGS

• The property is zoned “C2” General Commercial.
• The property is located in the East Midland Planning District.
• The property is currently under contract with Cross Development CC St. Louis Overland LLC.
• The application is for an Automotive Repair Facility.
• The Board of Adjustment has approved the following variances: September 12, 2019 – Section 400.230.D.4.b - Side Yard Requirements, Section 400.230.D.4.c - Rear Yard Requirements.

CONCLUSIONS

The Commission has concluded that the applications be approved, based on the above findings with the following conditions:

• Hours of operation – 7:30AM to 5:30PM;
• Days of operation – Monday through Friday;
• Total number of employees – five (5) employees;
• No outside storage;
• Customer vehicles permitted to be stored overnight on-site;
• Automotive sales are prohibited;

Respectfully Submitted,

William Hardrick, Chairman
Planning & Zoning Commission

As prepared by: James Osborne
July 05, 2023

Honorable Marty Little, Mayor
Members of the Overland City Council
9119 Lackland Road
Overland, Missouri 63114

Subject: Conditional Use Permit/ Site Plan Review
10082 Page Avenue; Hut Missouri LLC dba Pizza Hut

Dear Mayor and Members of the Council:

Pursuant to the provisions of Article X, Conditional Uses of the Zoning Code of the City of Overland, the Planning and Zoning Commission conducted a Public Hearing on the above referenced Application filed by Ron Igarashi for the property located at 10082 Page Avenue. After hearing the evidence, it was the Commission’s decision to recommend approval of a Site Plan and Conditional Use Permit for the above referenced premises. In reaching this conclusion, the Commission considered all of the information and found as follows:

FINDINGS
- The property is zoned “C2” General Commercial.
- The property is located in the West Page Planning District.
- The property is currently owned by Stan Erb Development Co LLC.
- The application is for a restaurant (Delivery & Carry-out only).
- A variance for insufficient parking was issued on 12/12/1990.

CONCLUSIONS
The Commission has concluded that the applications be approved, based on the above findings with the following conditions:
  - Hours of operation – 11:00AM to 11:00PM;
  - Days of operation – Monday through Sunday – Seven (7) days a week;
  - Total number of employees – Fifteen (15) employees;
  - Outside storage is prohibited;
  - Overnight parking is prohibited;

Respectfully Submitted,

William Hardrick, Chairman
Planning & Zoning Commission

As prepared by: James Osborne, Planning & Zoning Coordinator
The Planning & Zoning Commission of the City of Overland will hold their regularly scheduled meeting Tuesday, June 27, 2023, at 6:00pm in Council Chambers to discuss the following items:

- Conditional Use Permit – 1771 Belt Way – Drury Displays Inc is requesting approval to install and operate a digital electronic billboard. The property is zoned “M1” Manufacturing. A static billboard already exists at this location will be changing from static display to electronic display.
- Preliminary Planned Unit Development – 2001 Walton Road – Church in Action dba Influence Church is requesting approval of a preliminary planned unit development from “M1” Manufacturing to “PD-M” Planned Development Manufacturing.

A findings report will be furnished to the City Council following the hearing. If you have questions regarding this hearing or would like to review materials or submitted documents please do not hesitate to contact me at 314.428.4677 or via email at josborne@overlandmo.org.
RESOLUTION 2023-61

AUTHORIZING ISSUANCE OF A LIQUOR LICENSES

WHEREAS, Section 600.170 of Chapter 600, Alcoholic Beverages of the Municipal Code of the City of Overland, Missouri requires that it shall be unlawful for any person to sell or expose for sale in the City intoxicating liquor, malt liquor, or non-intoxicating beer, in any quantity without taking out a license from the City; and

WHEREAS, Section 600.200 requires that upon the filing of a Liquor License application with the Office of the City Clerk, said application shall be presented to the City Council at the next regular or special thereof;

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

Section 1. In accordance with the provisions of Chapter 600, Alcoholic Beverages of the Municipal Code of the City of Overland, Missouri, the following liquor license is hereby granted subject to payment of the requisite fee and compliance with all statutes and ordinances relating to the sale of intoxicating liquors:

Liquor By Wholesale
Lorberts Imports LLC – 1455 Page Industrial Blvd

Liquor By Drink
Haveli Restaurant – 9720 Page Ave
Las Palmas Restaurant – 10092 Page Blvd – including Sunday Sales
Restaurant Su Casita – 1901 Woodson Rd – including Sunday Sales
The Req Room – 9625 Lackland Rd – including Sunday Sales

Beer By Drink
All Souls Church – 9550 Tennison Ave – including Sunday

Package Liquor
Page Retail LLC dba A1 Cheapo Depot #2 – including Sunday Sales

Wine Tasting Permit
Page Retail LLC dba A1 Cheapo Depot #2 – including Sunday

Section 2. The City Clerk is hereby authorized and directed to issue liquor licenses to the above referenced places of business located in the City of Overland, Missouri upon receipt of the requisite license fee.

The remainder of this page left intentionally blank.
This resolution passed and approved this 17\textsuperscript{th} day of July 2023.

\begin{center}
\underline{MAYOR}\\
\textbf{July 17, 2023}\\
\underline{Date of Approval}
\end{center}

\begin{center}
\underline{ATTEST:}\\
\underline{CITY CLERK}
\end{center}
RESOLUTION 2023-62

AUTHORIZING CONTRACT WITH FRY & ASSOCIATES FOR THE REPAIR OF
THE PLAYGROUND SURFACE AT CANTERWAY PARK

WHEREAS, on November 26, 2012, the City Council via Resolution 2012-57 authorized a contact with Landdesign LLC for the restoration and improvement of the playground at Canterway Park; and

WHEREAS, Fry and Associates served as the sub-contractor for the purpose of the installation of the pour-in-place playground surface installed as part of the above noted project; and

WHEREAS, the Director of Parks and Recreation has identified specific areas of the playground surfacing that are in need of repair; and

WHEREAS, Fry and Associated has submitted a proposal in the amount of Eight Thousand One Hundred Seventy Dollars and Zero Cents ($8,170.00) for the necessary repairs, a copy of which is attached hereto and is marked as Exhibit “A”; and

WHEREAS, in accordance with the provisions of Section 100.140 Sole source, specialized and nonstandard items; the City Council may, by resolution, approve negotiated procurement of goods or services of a value in excess of five thousand dollars ($5,000.00) without requiring formal competitive bids if the City Council determines from all information submitted to it by the purchasing agent and the using agency that use of a specific product, manufacturer or vendor is desirable to maintain consistency of equipment, such goods are of such specialized or nonstandard nature that they can be acquired only from a sole source of supply and that no similar standard goods would reasonable satisfy the city's requirements; and

WHEREAS, the Purchasing Agent has designated Fry and Associates as a Sole Source Vendor for the purposes of this project as they served as the sub-contractor for the original installation of the playground surface and has performed subsequent repairs to the playground surface; and

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

Section 1: The Mayor is hereby authorized to enter into a contract, on behalf of the City, with Fry & Associates, Inc. 101 E 15th Ave, North Kansas City MO 64116 to perform the above noted repairs in conformance with the submitted proposal.

Section 2: The FY 23/24 Park Fund Budget is hereby amended in the amount of Eight Thousand One Hundred Seventy Dollars and Zero Cents ($8,170.00) for costs associated with the necessary repairs.
Section 3: All costs associated with this contract shall be payable from the FY 23/24 Park Fund Parks and Recreation / Department Expense / Capital Projects account line.

This Resolution passed and approved this 17th day of July 2023.

__________________________
MAYOR  
July 17, 2023  
Date of Approval

ATTEST:

__________________________
CITY CLERK
### End User
City of Overland  
Erin Wiley  
Canter Way Park  
Overland, MO 63114

### Ship To
Canterway Park  
10400 Canter Way  
Overland, MO 63114

### Bill To
City of Overland  
Erin Wiley  
9119 Lackland  
Overland, MO 63114

<table>
<thead>
<tr>
<th>Associates</th>
<th>P.O. Number</th>
<th>Ship Via</th>
<th>Terms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Margie Fry</td>
<td></td>
<td>Common</td>
<td>Net 10</td>
</tr>
<tr>
<td>Dave Holaway</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Qty</th>
<th>Description</th>
<th>Unit Price</th>
<th>Ext. Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Pour in Place Repair:</td>
<td>$8,170.00</td>
<td>$8,170.00</td>
</tr>
</tbody>
</table>

Includes Cutting out, removing and disposing of 4" wide (up to 3-1/2" depth) of existing PIP surface that is pulling away from the edge. Installation of Black EPDM Border and Buffings as needed for approximately for the entire perimeter of both play pits. Three new patches of approximately 2' x 2' under the overhead climber and a newly replaced climber. And two patches under the swings (2'x6" & 6"x6")

Address location of repairs is the same as Shipping Address. Please make any corrections to address if necessary.

<table>
<thead>
<tr>
<th>SubTotal</th>
<th>$8,170.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tax</td>
<td>$0.00</td>
</tr>
<tr>
<td>Shipping</td>
<td>$0.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$8,170.00</strong></td>
</tr>
</tbody>
</table>

**Shipping Contact:** Erin Wiley  
**Email:** erinw@overlandmo.org  
**Phone:** (314) 428-0490  
**Fax:**

---

By Signing this I agree to the attached terms and conditions of this proposal. I also certify that I have the authority to enter the Billing Party into this agreement.

**Quote Accepted By:**  
**Date:**

Pricing is CASH pricing. 3.5% will be added to the total for credit card transactions  
Unless otherwise indicated all pricing good for 30 days from quote date.
Terms and Conditions

1. Fry & Associates, Inc. (“Fry”) hereby offers to sell the products and services described in this Quotation (the “Goods”), but only on the terms and conditions described herein. If Buyer submits to Fry a purchase order or other documentation with terms and conditions different from or additional to the terms and conditions described in this Quotation, Fry hereby objects to those terms and does not assent to them. No such term shall be considered to be a part of any contract between the parties.

2. The quoted purchase price may be increased to the extent that Fry’s cost of the Goods may be increased as a result of (1) any agreements, codes, or legislative enactments made or enacted pursuant to federal, state or municipal legislation; and (2) increase in the cost of labor or raw materials. In addition to paying the quoted purchase price, Buyer is solely liable for any excises, levies or taxes which Fry may be required to pay or collect, under any existing or future law, upon or with respect to the sale, purchase, delivery, storage, processing, use, consumption or transportation of any of the Goods, and Buyer agrees to pay the amount thereof on the same terms as it shall pay the quoted purchase price.

3. All pricing is good for 30 days from quote date unless otherwise indicated.

4. All pricing is cash pricing and includes a 3.5% discount. Use of a credit card or other non-cash basis of payment will remove this discount.

5. Cancellation of this order or part of this order will incur a restocking charge and forfeiture of any deposits made. Buyer will be responsible for any freight charges incurred. Acceptance of any returns are at the discretion of the manufacturer. No goods shall be returned for credit without first obtaining written consent from Fry.

6. Any changes to this order must be agreed to in writing and signed by both parties before they become valid.

7. Claims by Buyer for shortages, damages or errors in delivery must be made within five (5) days after the delivery of the goods. Goods are sold subject to the standard manufacturing practices of Fry’s suppliers. Goods purchased on the basis of weight are subject to customary quantity variations recognized by practice in the industry.

8. Buyer shall assume all risk of loss or damage upon delivery by Fry to the carrier at the point of shipment. Scheduled dates of delivery are determined from the date of Fry’s acceptance of any order or orders placed by Buyer and are estimates of approximate dates of delivery, not a guaranty of a particular date of delivery. Fry shall not be liable for any damages caused by failure or delay in shipping the Goods if such failure or delay is beyond the reasonable control of Fry.

9. This quotation may be accepted to form a binding contract upon any one of the following options: 1. Signature below and a deposit (if required) to Fry for the items listed in this quote prior to the expiration date. 2. Issuance of a purchase order to Fry referencing this quote and the terms and conditions herein prior to the expiration date above

10. Any payment terms are with approved credit. Any payment not made within terms is subject to a late payment charge of 1.5% per month (compounded) on the unpaid balance.

11. All manufacturer’s warranties are honored solely under the terms set forth by the manufacturer and are not the responsibility of Fry.

12. All information presented in this quote is the responsibility of the Buyer to verify for accuracy and completeness.

13. Any agreement arising out of this transaction shall be deemed to have been made in Clay County, Missouri. The parties agree that the validity, interpretation and performance of any agreement arising out of this transaction shall be governed by the laws of the State of Missouri.

14. If Buyer requests deferral of deliveries, Fry’s agreement to defer delivery shall not excuse Buyer from its obligation to pay for the goods at the same times and in the same quantities as the original delivery schedule, including interest due pursuant to these terms and conditions. In addition to adhering to the original payment schedule, Buyer shall pay such storage charges as Fry may assess for storing the goods awaiting delivery. If Buyer requests deferral prior to commencement of production, Fry may require a change in pricing based on required delivery date.

15. Fry will do its best to inform the buyer of anticipated lead times on products and services. Fry is not responsible for any changes in lead times from manufacturers and will not accept responsibility for damages due to project delays.

16. In addition to the foregoing, Buyer agrees to save and hold Fry & Associates, Inc. harmless from any claims, demands, liabilities, costs, expenses or judgments arising in whole or in part, directly or indirectly, out of the negligence or lack of care by Buyer or Buyer’s customers, agents, employees or invitees involving the use of the goods supplied by Fry & Associates, Inc. This indemnification shall include all costs, attorney’s fees and other expenses paid or incurred by or imposed upon Fry & Associates, Inc. in connection with the defense of any such claim.
No Fault Safety Surface

No Fault Safety Surface (NFSS) is comprised of the highest quality EPDM or TPV rubber granules blended with a polyurethane binder. NFSS is poured-in-place and professionally installed on site as a 2-layer system for playgrounds. The bottom impact absorbing layer is made of clean, recycled rubber buffing. The top decorative wear layer consists of high-quality EPDM or TPV rubber granules. The wear layer is available in a wide variety of color blends and provides the option to create fun theme shaped designs.

Utilizing our exclusive hand troweling and screed rod method, No Fault Safety Surface Playground System is engineered on site by our certified installation crew.

The complete No Fault Safety Surface System is designed to provide a resilient, porous, and seamless playground safety surface. It is the absolute best playground safety surface available for fall protection and ADA accessibility.

No Fault Sport Group provides coast-to-coast installation service to ensure consistent quality and premium customer service for all of our poured-in-place surfaces!

<table>
<thead>
<tr>
<th>Fall Height Chart</th>
</tr>
</thead>
<tbody>
<tr>
<td>Depth</td>
</tr>
<tr>
<td>1.75&quot;</td>
</tr>
<tr>
<td>2.25&quot;</td>
</tr>
<tr>
<td>2.5&quot;</td>
</tr>
<tr>
<td>3&quot;</td>
</tr>
<tr>
<td>3.5&quot;</td>
</tr>
<tr>
<td>4.5&quot;</td>
</tr>
<tr>
<td>5&quot;</td>
</tr>
<tr>
<td>6.5&quot;</td>
</tr>
</tbody>
</table>

Standard Color Blends

- 50% Tan 50% Black
- 50% Terra Cotta 50% Black
- 50% Blue 50% Black
- 50% Green 50% Black

Features & Characteristics

- Recycled / Environmentally Friendly
- Seamless & Accessible
- Porous & Slip Resistant
- Freeze / Thaw Resistant
- Customizable Designs
- Clean / Non-Toxic

Added Values

- Superior Customer Service
- Proven Durability
- IPEMA Certified
- ASTM, CPSC & LEED Compliant
- ADA Accessible
- Experienced Craftsmanship
- Factory Warranty
- Reduced Maintenance Cost
- Enhanced Safety

To verify product certification visit www.ipema.org

Fry & Associates
daveh@fryinc.com
Canterway Park
Playground Surfacing Repair Areas Needed
RESOLUTION 2023-63

AUTHORIZING CONTRACT FOR PURCHASE OF VEHICLE FOR USE BY THE OVERLAND POLICE DEPARTMENT USING CONTRACTS UNDER THE MISSOURI COOPERATIVE PROCUREMENT PROGRAM

WHEREAS, the FY 2023/2024 General Fund Budget included an appropriation of $126,000.00 for the purchase of three (3) marked patrol vehicles for use by the Police Department; and

WHEREAS, on June 26, 2023, the City Council via Resolution 2023-55 authorized the purchase and outfitting of two (2) marked patrol vehicles for use by the Police Department at a total cost of One Hundred Fourteen Thousand Nine Hundred Ninety-Seven Dollars and Four Cents ($114,997.04); and

WHEREAS, as a result of this purchase, the FY 2023/2024 General Fund Budget American Rescue Plan Act (ARPA) / ARPA Police Department / ARPA Police Vehicles account line has a remaining appropriation of Eleven Thousand Two Dollars and Ninety-Six Cents ($11,002.96); and

WHEREAS, on May 11, 2023 one of the City’s patrol vehicles (2019 Dodge Charger) was totaled in an accident, resulting in a payment to the City of Twenty-One Thousand Eight Hundred Sixty-Three Dollars and Zero Cents ($21,863.00); and

WHEREAS, the Chief of Police is requesting that the City Council authorize the purchase of a new patrol vehicle to replace the one totaled in the May 11, 2023 incident and to apply the payment from the insurance company to off-set a portion of the cost associated with the purchase of the new patrol vehicle; and

WHEREAS, Section 67.360, RSMO 2000, authorizes the Division of Purchasing of the State of Missouri to extend to political subdivisions the opportunity to participate in a cooperative procurement program for joint purchasing; and

WHEREAS, following a competitive bidding process, the State of Missouri entered into a series of contracts for purchase of police vehicles which are offered to local governments under the cooperative procurement program including the following vehicles which meet departmental specifications and needs for patrol use:

<table>
<thead>
<tr>
<th>Vehicle Type</th>
<th>Year/Make/Model</th>
<th>Unit Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Patrol - Marked</td>
<td>2023 Dodge Durango</td>
<td>$43,373.00</td>
</tr>
</tbody>
</table>

WHEREAS, in accordance with the provisions of Section 100.140 Cooperative Purchasing of the Municipal Code of the City of Overland, Missouri, purchasing under such cooperative contracts shall be deemed to comply with Section 100.140 Formal Competitive Bidding which
otherwise prescribes the process for competitive bidding of all purchases in excess of $5,000; and

WHEREAS, the vehicles will be purchased from Behlmann Chrysler Dodge Jeep Ram, 175 Turnbull Trail, Troy, MO 63379, pursuant to State Contract #: CC231422001; and

WHEREAS, in accordance with the provisions of Section 100.140 Sole source, specialized and nonstandard items; the City Council may, by resolution, approve negotiated procurement of goods or services of a value in excess of five thousand dollars ($5,000.00) without requiring formal competitive bids if the City Council determines from all information submitted to it by the purchasing agent and the using agency that use of a specific product, manufacturer or vendor is desirable to maintain consistency of equipment, such goods are of such specialized or nonstandard nature that they can be acquired only from a sole source of supply and that no similar standard goods would reasonable satisfy the city's requirements; and

WHEREAS, the Purchasing Agent has determined that VIP Public Safety, 4220 N Service Rd, St Peters, MO 63376 shall be deemed a Sole Source provider for the purpose of outfitting the vehicle to be purchase pursuant to this resolution; and

WHEREAS, the cost to outfit the above noted vehicles is Twelve Thousand Two Hundred Eighty-Five Dollars and Sixty-Four Cents ($12,285.64); and

WHEREAS, based on the above noted information, the cost to purchase the new patrol vehicle and required budget adjustment is as follows:

<table>
<thead>
<tr>
<th>Item</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>2023 Dodge Durango (K-9 Unit)</td>
<td>$43,373.00</td>
</tr>
<tr>
<td>Out-fitting Cost</td>
<td>$12,285.64</td>
</tr>
<tr>
<td><strong>Total Patrol Vehicle Cost</strong></td>
<td><strong>$55,658.64</strong></td>
</tr>
<tr>
<td>Insurance Payment</td>
<td>$21,863.00</td>
</tr>
<tr>
<td>Remaining FY 23/24 Appropriation</td>
<td>$11,002.96</td>
</tr>
<tr>
<td><strong>Total Available Funds</strong></td>
<td><strong>$32,865.96</strong></td>
</tr>
<tr>
<td>Difference</td>
<td><strong>$22,792.68</strong></td>
</tr>
</tbody>
</table>
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OVERLAND, MISSOURI, AS FOLLOWS:

Section 1: The Mayor is hereby authorized and directed to enter into contract, on behalf of the City, with Behlmann Chrysler Dodge Jeep Ram, 175 Turnbull Trail, Troy, MO 63379, for the purchase of one (1) 2023 Dodge Durango Pursuit vehicles as noted above, under contracts being offered to municipalities under the Missouri Cooperative Procurement Program in accordance with the terms of said cooperative procurement contract for a total order price of Forty-Three Thousand Three Hundred Seventy-Three Dollars and Zero Cents ($43,373.00).

Section 2: The Mayor is hereby authorized and directed to enter into contract, on behalf of the City, with VIP Public Safety, 4220 N Service Rd, St Peters, MO 63376 to provide services necessary to outfit one (1) 2023 Dodge Durango Pursuit vehicles as noted above at a total cost of Twelve Thousand Two Hundred Eighty-Five Dollars and Sixty-Four Cents ($12,285.64).

Section 3: The total cost for the purchase and outfitting of the one (1) 2023 Dodge Durango Pursuit vehicle noted above shall not exceed Fifty-Five Thousand Six Hundred Fifty-Eight Dollars and Sixty-Four Cents ($55,658.64).

Section 4: The FY 2023/2024 General Fund Budget American Rescue Plan Act (ARPA) / ARPA Police Department / ARPA Police Vehicles account line is hereby amended in the amount of Twenty-Two Thousand Seven Hundred Ninety-Two Dollars and Sixty-Eight Cents ($22,792.68).

Section 5: All costs associated with the purchase of these vehicles shall be payable from ARAP Funds within the FY 2023/2024 General Fund Budget American Rescue Plan Act (ARPA) / ARPA Police Department / ARPA Police Vehicles account line.

This Resolution passed and approved this 17th day of July 2023.

__________________________
MAYOR
July 17, 2023
Date of Approval

ATTEST:

__________________________
CITY CLERK
RESOLUTION 2023-64

AUTHORIZING CONTRACT WITH TRC OUTDOOR TO PROVIDE ON-CALL NUISANCE ABATEMENT SERVICES FOR THE CITY OF OVERLAND

WHEREAS, Chapter 225 Nuisances of the Overland Municipal Code provides for the abatement of nuisances within the City in accordance with the procedure established in Chapter 225 Nuisances; and

WHEREAS, on June 22, 2023, in accordance with Section 100.140 of the Municipal Code, the city solicited bids for abatement services related to On-Call Nuisance Abatement Services with the following results:

<table>
<thead>
<tr>
<th>Service</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grass Cutting:</td>
<td>$45.00</td>
</tr>
<tr>
<td>Cost Per Man Hour</td>
<td></td>
</tr>
<tr>
<td>Removal of Rank Growth, Dead Tree/Limbs and Outdoor Storage:</td>
<td>$65.00</td>
</tr>
<tr>
<td>Cost Per Man Hour</td>
<td></td>
</tr>
<tr>
<td>Cost for Per Square Yard (of items removed from property)</td>
<td>$24.00</td>
</tr>
<tr>
<td>Charge if property is abated upon arrival:</td>
<td>$10.00</td>
</tr>
</tbody>
</table>

WHEREAS, the bid of TRC Outdoor has been determined to be the best and most responsive bid received in accordance with the specifications issued by the City pursuant to Bid Package 2023-10; and

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

Section 1. The Mayor is hereby authorized to enter into a contract with TRC Outdoor, 993 Gravois Road, Fenton MO 63026 on behalf of the City, to provide On-Call Nuisance Abatement Services to the City of Overland.

The remainder of this page left intentionally blank.
This Resolution passed and approved this 17\textsuperscript{th} day of \textbf{July 2023}.

\textbf{MAYOR}  
\textbf{July 17, 2023}  
Date of Approval

\textbf{ATTEST:}

\textbf{CITY CLERK}
AN ORDINANCE AMENDING CHAPTER 500 BUILDING CODES AND REGULATIONS, ARTICLE I. GENERAL PROVISIONS, OF THE CODE OF ORDINANCES OF THE CITY OF OVERLAND, MISSOURI, BY REPEALING ARTICLE I. GENERAL PROVISIONS, IN ITS ENTIRETY AND ENACTING A NEW ARTICLE I. GENERAL PROVISIONS

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OVERLAND, ST. LOUIS COUNTY, MISSOURI AS FOLLOWS:

Section 1. That Chapter 500 Building Codes and Regulations of the Municipal Code of the City of Overland is hereby amended by the repeal of Article I. General Provisions, which reads as follows, in its entirety;

Article I. General Provisions

Section 500.010 Commissioner of Building Hearings — Office Established.

The office of Commissioner of Building Hearings is hereby created and established.

Section 500.020 Commissioner of Building Hearings — Qualifications.

The Commissioner of Building Hearings shall be either an architect or professional engineer registered by the State of Missouri, or shall be a person who, by reason of business or occupational experience, demonstrated ability, and reputation, is deemed by the Mayor and the City Council to be skilled and knowledgeable in the construction of buildings.

Section 500.030 Commissioner of Building Hearings — Appointment, Term.

The Commissioner of Building Hearings shall be appointed by the Mayor and approved by the City Council. The Commissioner of Building Hearings shall hold such office for a term of two (2) years from the first (1st) Tuesday in April of every even-numbered year and until his/her successor is appointed and qualified.

Section 500.040 Commissioner of Building Hearings — Duties.

The Commissioner of Building Hearings shall conduct hearings, hear testimony and make written specific findings of fact concerning buildings, the conditions of which are alleged to be detrimental to the health, safety or welfare of the residents of the City; and shall have and perform such other duties as may be prescribed by
this Code or any ordinance.

Section 500.050 (Reserved)

Section 2. That Chapter 500 Building Codes and Regulations of the Municipal Code of the City of Overland is hereby amended by the adoption of a new Article I. General Provisions, which reads as follows;

Article I. General Provisions

Section 500.010 Commissioner of Building Hearings — Office Established.

The office of Commissioner of Building Hearings is hereby created and established.

Section 500.020 Commissioner of Building Hearings — Qualifications.

The Commissioner of Building Hearings shall be either an architect or professional engineer registered by the State of Missouri, or shall be a person who, by reason of business or occupational experience, demonstrated ability, and reputation, is deemed by the Mayor and the City Council to be skilled and knowledgeable in the construction of buildings.

Section 500.030 Commissioner of Building Hearings — Appointment, Term.

The Commissioner of Building Hearings shall be appointed by the Mayor and approved by the City Council. The Commissioner of Building Hearings shall hold such office for a term of two (2) years from the first (1st) Tuesday in April of every even-numbered year and until his/her successor is appointed and qualified.

Section 500.040 Vice-Commissioner of Building Hearings — Appointment, Term.

The office of Vice-Commissioner of Building Hearings is hereby created. The Vice-Commissioner of Building Hearings shall possess the same qualifications as the Commissioner of Building Hearings as described in Section 500.030 and may be appointed by the Mayor and approved by the City Council. The Vice-Commissioner of Building Hearings shall hold such office for a term of two (2) years from the first (1st) Tuesday in April of every even-numbered year and until his/her successor is appointed and qualified.

Section 500.050 Commissioner of Building Hearings — Duties.

The Commissioner of Building Hearings shall conduct hearings, hear testimony and make written findings of fact from the evidence offered at said hearing as to
whether or not the building in question is a dangerous building within the terms of Section 510.020 of the Municipal Code of the City of Overland; and shall have and perform such other duties as may be prescribed by this Code or any ordinance. **In the absence of the Commissioner of Building Hearings, the Vice-Commissioner of Building Hearings shall assume all duties of the Commissioner of Building Hearings.**

**Section 3.** That said Chapter 500 in all of its other provisions and as herein amended shall remain in full force and effect.

**Section 4.** This ordinance shall be in full force and effect from and after its passage and approval according to law.

PASSED this 17th day of July, 2023.

__________________________________________
MAYOR
July 17, 2023
Date of Approval

ATTEST:

__________________________________________
CITY CLERK
AN ORDINANCE AMENDING TITLE V. BUILDING AND CONSTRUCTION OF THE CODE OF ORDINANCES OF THE CITY OF OVERLAND, MISSOURI, BY REPEALING CHAPTER 510 DANGEROUS BUILDINGS, IN ITS ENTIRETY AND ENACTING A NEW CHAPTER 510 DANGEROUS BUILDINGS

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OVERLAND, ST. LOUIS COUNTY, MISSOURI AS FOLLOWS:

Section 1. That Title V. Building and Construction of the Municipal Code of the City of Overland is hereby amended by the repeal of Chapter 510 – Dangerous Buildings, which reads as follows, in its entirety;

Chapter 510 Dangerous Buildings

Section 510.010 Purpose and Scope.

It is the purpose of this Chapter to provide a just, equitable and practicable method for the repairing, vacation or demolition of buildings or structures that may endanger the life, limb, health, property, safety or welfare of the occupants of such buildings or the general public, and this Chapter shall apply to all dangerous buildings, as herein defined, that now are in existence or that may hereafter exist in the City of Overland, Missouri.

Section 510.020 Dangerous Buildings Defined.

A. All buildings or structures that are detrimental to the health, safety or welfare of the residents of the City and that have any or all of the following defects shall be deemed "dangerous buildings":

1. Those with interior walls or other vertical structural members that list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.

2. Those that, exclusive of the foundation, show thirty-three percent (33%) or more damage or deterioration of the supporting member or members or fifty percent (50%) damage or deterioration of the non-supporting enclosing or outside walls or covering.

3. Those that have improperly distributed loads upon the floors or roofs, or in which the same are overloaded, or that have insufficient strength to be reasonably safe for the purpose used.
4. Those that have been damaged by fire, wind or other causes so as to become dangerous to life, safety or the general health and welfare of the occupants or the people of the City.

5. Those that are so dilapidated, decayed, unsafe, unsanitary or that so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, safety or welfare of those occupying such building.

6. Those having light, air and sanitation facilities that are inadequate to protect the health, safety or general welfare of human beings who live or may live therein.

7. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other adequate means of evacuation.

8. Those that have parts thereof that are so attached that they may fall and injure members of the public or property.

9. Those that because of their condition are unsafe, unsanitary or dangerous to the health, safety or general welfare of the people of this City.

Section 510.030 Dangerous Buildings Declared Nuisance.

All dangerous buildings or structures, as defined by Section 510.020 of this Chapter, are hereby declared to be public nuisances and shall be repaired, vacated or demolished as provided herein.

Section 510.040 Standards for Repair, Vacation or Demolition.

A. The following standards shall be followed in substance by the Building Inspector and the Building Commissioner in ordering repair, vacation or demolition of any dangerous building.

1. If the dangerous building can reasonably be repaired so that it no longer will exist in violation of the terms of this Chapter, it shall be ordered repaired.

2. If the dangerous building is in such condition as to make it dangerous to the health, safety or general welfare of its occupants, it shall be ordered to be vacated and repaired.
3. In all cases where a building cannot be repaired so that it no longer will exist in violation of the terms of this Chapter, it shall be demolished.

4. In all cases where a dangerous building is a fire hazard existing or erected in violation of the terms of this Chapter or any ordinance of this City or Statute of the State of Missouri, it shall be repaired or demolished.

**Section 510.050 Building Inspector.**

The Code Enforcement Officer(s) shall be the Building Inspector(s) within the meaning of this Chapter.

**Section 510.060 Duties of Building Inspector — Procedure and Notice.**

A. The Building Inspector(s) shall have the duty under this Chapter to:

1. Inspect, or cause to be inspected, as often as may be necessary, all residential, institutional, assembly, commercial, industrial, garage, special or miscellaneous occupancy buildings for the purpose of determining whether any conditions exist that render such place to be a dangerous building when he/she has reasonable grounds to believe that any such building is dangerous.

2. Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this Chapter, and the Building Inspector determines that there are reasonable grounds to believe that such building is dangerous.

3. Inspect any building, wall or structure reported by the Fire or Police Departments of this City as probably existing in violation of this Chapter.

4. Notify the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in the building or structure, as shown by the land records of the Recorder of Deeds of St. Louis County, of any building or structure found by him/her to be a dangerous building or structure within the standards set forth in Section 510.020. Such notice shall be in writing and shall be given either by personal service or by certified mail, return receipt requested, or if service cannot be had by either of these modes of service, then service may be had by publication in a newspaper qualified to publish legal notices for two (2) consecutive weeks.

The notice required shall state that:

a. The owner must vacate, vacate and repair, or vacate and demolish said
building and clean up the lot or property on which the building is located in accordance with the terms of the notice and this Chapter.

b. The occupant or lessee must vacate said building or have it repaired in accordance with the notice and remain in possession.

c. The mortgagee, agent or other persons having an interest in said building as shown by the land records of the Recorder of Deeds of St. Louis County may, at his/her own risk, repair, vacate or demolish the building and clean up the property or have such work done;

Provided that any person notified under this Subsection to repair, vacate or demolish any building or clean up the property shall be given such reasonable time not exceeding thirty (30) days to commence the required work.

5. The notice provided for in this Section shall state a description of the building or structure deemed dangerous, a statement of the particulars that make the building or structure a dangerous building, a statement indicating that as a dangerous building said building or structure constitutes a nuisance, and an order requiring the designated work to be commenced within the time provided for in the above Subsection.

6. Report in writing to the City Building Commissioner the non-compliance with any notice to vacate, repair, demolish, clean up the property or upon the failure to proceed continuously with the work without unnecessary delay.

7. Appear at all hearings conducted by the Building Commissioner and testify as to the condition of dangerous buildings.

8. Immediately report to the Building Commissioner concerning any building found by him/her to be inherently dangerous and that he/she determined to be a nuisance per se. The Building Commissioner may direct that such building be marked or posted with a written notice reading substantially as follows:

"This building has been found to be a dangerous building by the Building Inspector. This notice is to remain on this building and/or property until it is repaired, vacated or demolished and the property is cleaned up in accordance with the notice that has been given the owner, occupant, lessee, mortgagee or agent of this building and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of St. Louis County. It is unlawful to remove this notice until such notice is complied with."
Provided however, that the order by the Building Commissioner and the posting of said notice shall not be construed to deprive all persons entitled thereto by this Chapter to the notice and hearing prescribed herein.

Section 510.070 Building Commissioner.

The Commissioner of Building Hearings shall act as Building Commissioner under this Chapter.

Section 510.080 Duties of the Building Commissioner.

A. The Building Commissioner shall have the powers and duties pursuant to this Chapter to:

1. Supervise all inspections required by this Chapter and cause the Building Inspector to make inspections and perform all the duties required of him/her by this Chapter. Upon receiving a complaint or report from any source that a dangerous building exists in the City, the Building Commissioner shall cause an inspection to be made forthwith. If the Building Commissioner deems it necessary to the performance of his/her duties and responsibilities imposed herein, the Building Commissioner may request an inspection and report be made by any other City department or retain services of an expert whenever the Building Commissioner deems such service necessary.

2. Upon receipt of a report from the Building Inspector indicating failure by the owner, lessee, occupant, mortgagee, agent or other persons(s) having an interest in said building to commence work of reconditioning or demolition within the time specified by this Chapter or upon failure to proceed continuously with work without unnecessary delay, hold a hearing giving the affected parties full and adequate hearing on the matter.

3. Give written notice of said hearing, either by personal service or by certified mail, return receipt requested, or if service cannot be had by either of those modes of service, then by publication in a newspaper qualified to publish legal notices, at least ten (10) days in advance of the hearing date, to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of St. Louis County, who may appear before the Building Commissioner on the date specified in the notice to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the Building Inspector's notice as provided herein. Any party may be represented by counsel and all parties
shall have an opportunity to be heard.

4. Make written findings of fact from the evidence offered at said hearing as to whether or not the building in question is a dangerous building within the terms of Section 510.020 of this Chapter.

5. If the evidence supports a finding based upon competent and substantial evidence that the building or structure is a dangerous building and a nuisance and detrimental to the health, safety or welfare of the residents of the City, the Building Commissioner shall issue an order based upon its findings of fact commanding the owner, occupant, mortgagee, lessee, agent or other persons(s) having an interest in said building as shown by the land records of the Recorder of Deeds of St. Louis County to repair, vacate or demolish any building found to be a dangerous building and to clean up the property, provided that any person so notified shall have the privilege of either repairing or vacating and repairing said building, if such repair will comply with the ordinances of this City, or may vacate and demolish said dangerous building at his/her own risk to prevent the acquiring by the City of the lien against the land where the dangerous building stands. If the evidence does not support a finding that a building or structure is a dangerous building or a nuisance or detrimental to the health, safety or welfare of the residents of the City, no order shall be issued.

6. If the owner, occupant, mortgagee or lessee fails to comply with the order within thirty (30) days, the Building Commissioner shall cause such building or structure to be repaired, vacated or demolished and the property cleaned up as the facts may warrant. If the Building Commissioner or other designated officer or officers issues an order whereby the building or structure is demolished, secured or repaired, or the property is cleaned up, the cost of performance shall be certified to the City Clerk or officer in charge of finance, who shall cause a special tax bill or assessment therefor against the property to be prepared and collected by the City Collector or other official collecting taxes, unless the building or structure is demolished, secured or repaired by a contractor pursuant to an order issued by the City and such contractor files a mechanic's lien against the property where the dangerous building is located. The contractor may enforce this lien as provided in Sections 429.010 to 429.360, RSMo. Except as provided in Section 510.090, at the request of the taxpayer the tax bill may be paid in installments over a period of not more than ten (10) years. The tax bill from the date of its issuance shall be deemed a personal debt against the property owner and shall also be a lien on the property until paid. Said tax bill or assessment shall bear interest at a rate of eight percent (8%) per annum until paid.
Section 510.090 Insurance Proceeds — How Handled.

A. If there are proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure caused by or arising out of any fire, explosion or other casualty loss, the following procedure is established for the payment of up to twenty-five percent (25%) of the insurance proceeds, as set forth in this Subsection. This Subsection shall apply only to a covered claim payment that is in excess of fifty percent (50%) of the face value of the policy covering a building or other structure:

1. The insurer shall withhold from the covered claim payment up to twenty-five percent (25%) of the covered claim payment and shall pay such monies to the City to deposit into an interest-bearing account. Any named mortgagee on the insurance policy shall maintain priority over any obligation under this Chapter.

2. The City shall release the proceeds and any interest that has accrued on such proceeds received under subdivision (1) of this Subsection to the insured or as the terms of the policy and endorsements thereto provide within thirty (30) days after receipt of such insurance monies, unless the City has instituted legal proceedings under the provisions of Subsection (6) of Section 510.080. If the City has proceeded under the provisions of Subsection (6) of Section 510.080, all monies in excess of that necessary to comply with the provisions of Subsection (6) of Section 510.080 for the removal, securing, repair and clean up of the building or structure and the lot on which it is located, less salvage value, shall be paid to the insured.

B. If there are no proceeds of any insurance policy as set forth in Subsection (A) of this Section, at the request of the taxpayer, the tax bill may be paid in installments over a period of not more than ten (10) years. The tax bill from the date of its issuance shall be a lien on the property and a personal debt against the property owner(s) until paid.

C. This Section shall apply to fire, explosion or other casualty loss claims arising on all buildings and structures.

D. This Section does not make the City a party to any insurance contract, and the insurer is not liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.

E. The Building Commissioner may certify that in lieu of payment of all or part of the covered claim payment under Subsection (A) that it has obtained satisfactory proof that the insured has removed or will remove the debris and repair, rebuild or otherwise make the premises safe and secure. In this event,
the Building Commissioner shall issue a certificate within thirty (30) days after receipt of proof to permit covered claim payment to the insured without the deduction pursuant to Subsection (A) of this Section. It shall be the obligation of the insured or other person making the claim to provide the insurance company with the written certificate provided for in this Subsection.

Section 510.100 Appeal.

Any owner, occupant, lessee, mortgagee, agent or any other person(s) having an interest in a dangerous building as shown by the land records of the Recorder of Deeds of St. Louis County may appeal such decision to the Circuit Court of St. Louis County, as provided for in Sections 536.100 to 536.140, RSMo., if a proper record as defined in Section 536.130, RSMo., is maintained of the hearing provided for in Section 510.080 hereof. Otherwise, the appeal shall be made pursuant to the procedures provided for in Section 536.150, RSMo.

Section 510.110 Emergencies.

In cases where it reasonably appears that there is immediate danger to the health, life, safety or welfare of any person unless a dangerous building, as defined herein, is immediately repaired, vacated or demolished and the property is cleaned up, the Building Inspector shall report such facts to the Building Commissioner and the Building Commissioner may cause the immediate repair, vacation or demolition of such dangerous building. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected in the same manner as provided in Sections 510.080 and 510.090.

Section 510.120 Violations — Disregarding Notices or Orders.

The owner, occupant or lessee in possession of any dangerous building who shall fail to comply with the order to repair, vacate or demolish said building given by the Building Commissioner or who shall fail to proceed continuously without unnecessary delay; and any person removing any notices provided for in this Chapter; and any person violating any other provisions of this Chapter shall be guilty of an ordinance violation and upon conviction thereof shall be fined not more than one thousand dollars ($1,000.00). Each day that a person fails to comply with an order of the Building Commissioner may be deemed a separate offense.

Section 510.130 Protocols for Abatement of Contamination Related to the Presence or Production of Methamphetamine.

A. Purpose. The purposes of this Section are:

1. To adopt standards for identifying dangerous levels of toxic chemicals and
residue associated with the production and storage of methamphetamine and methamphetamine precursor chemicals, and

2. To establish protocols whereby the Director of Community Development or the Director's designee may cooperate with and rely on law enforcement and emergency agencies to:

   a. Evaluate whether a structure is contaminated in relation to the production and storage of methamphetamine and methamphetamine precursor chemicals, and

   b. Order or cause the abatement of contamination in structures related to the presence or production of methamphetamine.

B. Definitions. For the purposes of this Section, the words or terms listed below are defined as follows:

**METHAMPHETAMINE**

Dextro- and levo-methamphetamine, and unidentified isomers of the same, any racemic mixture of dextro- /levo-methamphetamine, or any mixture of unidentified isomers of methamphetamine. The term includes derivatives, conjugates, oxides, and reduced forms of the basic structure associated with the formation of methamphetamine. For the purposes of this Section, this term includes amphetamine, ephedrine, and pseudoephedrine when so situated as to reasonably appear to be instrumental in the production of methamphetamine as previously defined under this heading, "METHAMPHETAMINE."

**METHAMPHETAMINE PRECURSOR CHEMICALS**

Includes chemicals enumerated in Subsection (C) when so situated as to reasonably appear to be instrumental in the production of methamphetamine.

**QUALIFIED CONTRACTOR**

A company or contractor who tests structures for the presence of unsafe methamphetamine contamination or abates such unsafe methamphetamine contamination and who:

1. Complies with the most current edition of the U.S. Environmental Protection Agency Voluntary Guidelines for Methamphetamine Laboratory Cleanup;

2. Complies with the regulations of the Occupational Safety and Health Administration of the United States Department of Labor relating to hazardous waste operations and emergency response, including 29 CFR
3. Requires that at least one (1) employee or supervisor assigned to and on duty at any work site shall have completed the forty (40) hour Hazardous Waste Operations and Emergency Response (HASWOPER) training as provided by 29 CFR 1910.120;

4. Requires its personnel to complete a clandestine drug lab and decontamination course offered by a sponsor acceptable to the City of Overland;

5. Neither employs nor is managed or owned by a person who has either been convicted of any crime involving the production, possession, use, or distribution of methamphetamine; and

6. Is not engaged to test or decontaminate any structure or portion thereof in which it or any of its owners, managers, or personnel has an interest.

**UNSAFE CONTAMINATION**

The presence of chemicals in a structure or portion thereof at levels exceeding the levels for such chemicals as provided in Subsection (C) below.

C. *Unsafe Contamination Levels.* A structure or portion thereof will be considered unsafe for purposes of enforcing the Municipal Code of the City of Overland if it is found to contain any of the chemicals listed below at exposure limits above the levels listed below, as established by the National Institute for Occupational Safety and Health: [Ord. No. 2017-12, 9-11-2017]

1. Red Phosphorus: any amount.

2. Iodine Crystals: C.01 ppm (1 mg/m³).

3. Sulfuric Acid: TWA 1 mg/m³.

4. Hydrochloric Acid, A.K.A. Muriatic Acid: C 5 ppm (7 mg/m³).

5. Hydrogen Chloride (HCl gas): C 5 ppm (7 mg/m³).

6. Methamphetamine: in a concentration equal to or greater than 0.5 ug/100 cm².

7. Lead and Mercury: if it is determined that the phenyl-2-propanone (P2P) method of methamphetamine manufacturing was used, surface levels of
lead in excess of 2.16 \text{ug/100 cm}^2 \text{ and vapor samples for mercury in excess of 50 \text{ug/m}^3.}

D. 

Closure And Vacation Orders Upon Report And Investigation By The Overland Police Department Or Other Law Enforcement Or Emergency Agencies.

1. Methamphetamine production or storage facility, unsafe contamination unknown. When the Overland Police Department or another law enforcement or emergency agency reports to the Director of Community Development or the Director's designee that there is probable cause to believe that a structure or portion thereof has been used for the production or storage of methamphetamine or methamphetamine precursor chemicals, the Director of Community Development or the Director's designee may order the structure or portion thereof closed pursuant to the emergency measures provided in Subsection (D)(4) until it has been tested by a qualified contractor to determine if the structure or portion thereof is safe for occupancy.

2. Methamphetamine production or storage facility, unsafe contamination known. When the Overland Police Department or another law enforcement or emergency agency reports to the Director of Community Development or the director's designee that there is probable cause to believe that there exists unsafe contamination in a structure or portion thereof, and that such structure or portion thereof has been used for the production of methamphetamine or storage of methamphetamine or methamphetamine precursor chemicals, the Director of Community Development or the Director's designee shall order the structure or portion thereof closed pursuant to the emergency measures provided in Subsection (D)(4) below.

3. When closure order rescinded; when closure order to remain. If the structure or portion thereof is found to be safe for occupancy after initial testing, the closure order shall be rescinded. But if the structure or portion thereof is found to have unsafe contamination, the structure or portion thereof shall remain closed until the Director of Community Development or the Director's designee determines that it is safe for occupancy.

4. Vacation order. When the Director of Community Development or the Director's designee receives a report as set forth in Subsections (D)(1) or (D)(2) above, and in the opinion of the Director of Community Development or the Director's designee, life or health is immediately endangered by the unsafe contamination of a structure or portion thereof, the Director of Community Development or the Director's designee is hereby authorized and empowered to order the occupants of such structure or portion thereof to vacate immediately, whether or not a notice of
violation has been given as described in Subsection (E) below, and whether or not the legal procedures described by Subsection (F) have been instituted.

5. *When vacation order effective.* Any person to whom a vacation order as set forth in Subsection (D)(4) above is directed shall comply immediately.

E. **Supplementary Notice And Instructions.**

1. *Form of notice and recipients.* While closure orders pursuant to Subsection (D)(4) may be posted, the Director of Community Development or the Director's designee shall also serve a notice upon the owner, occupant, lessee, mortgagee, and all other persons having an interest in the structure or portion thereof as shown by the records of St. Louis County. Such notice shall be served either by personal service or by certified mail, return receipt requested, but if service cannot be had by either of these modes of service, then service may be had by publication and posting of the notice described below on the property affected.

2. *Time of reply.* Such notice shall direct the owner to contact the Director of Community Development or the Director's designee, within twenty-one (21) calendar days to establish a schedule for decontaminating the structure or portion thereof.

3. *Retesting at owner's option.* Such notice shall also inform the owner that if the owner contacts the Director of Community Development or the Director's designee within the time specified in the notice, the owner may request to have the structure or portion thereof retested. Such retesting must be performed as follows:

   a. The owner must employ the service of a qualified contractor to perform sampling and to analyze the samples.

   b. The Director of Community Development or the Director's designee must be present when the qualified contractor takes samples.

   c. The owner shall pay an inspection fee in the amount of forty dollars ($40.00) to the City of Overland. The inspection fee must be paid prior to the time of appointment for taking samples.

   d. Sampling and testing shall be performed in accordance with the appropriate sections of the most current edition of the U.S. Environmental Protection Agency Voluntary Guidelines for Methamphetamine Laboratory Cleanup.
e. The qualified contractor engaged by the owner must report the results of its analysis of all samples taken to the Director of Community Development or the Director's designee.

F. Decontamination And Abatement.

1. Duties of owner upon contamination finding. If testing confirms the presence of unsafe contamination in a structure or portion thereof, the owner shall hire a qualified contractor to decontaminate the structure, or portion thereof, and advise the Director of Community Development or the Director's designee of the schedule for decontamination.

2. Director of Community Development to oversee decontamination. The schedule for the work and evidence that the qualified contractor meets the requirements of this Section must be submitted for approval to the Director of Community Development or the Director's designee within twenty-one (21) calendar days of the receipt of notice. The Director of Community Development or the Director's designee will provide approval or rejection of the schedule within a reasonable time of submission.

   a. Rejection of schedule or proposed contractor. Upon rejection, the owner will be informed, in writing, of specific reasons for the rejection, and the owner will be required to amend the schedule for decontamination or propose a new qualified contractor, as appropriate to the rejection.

3. Decontamination standards. Decontamination shall be performed in accordance with the appropriate sections of the most current edition of the U.S. Environmental Protection Agency Voluntary Guidelines for Methamphetamine Laboratory Cleanup.

4. Failure to abate. If the owner of a property determined to have unsafe contamination fails to abate that contamination, the Director of Community Development or the Director's designee may serve a notice of violation on the owner pursuant to the procedures set forth in Subsection (E)(1) above.

5. Hearing. If the owner of a property determined to have unsafe contamination is unwilling or unable to abate contamination within forty-five (45) days of service of notice, the Director of Community Development or the Director's designee shall call and hold a full and adequate hearing on the matter.

   a. Hearing officer. The Director of Community Development or the Director's designee may act as hearing officer to hold all hearings
provide hereunder or may select and appoint a hearing officer for any such hearing.

b. **Duties of hearing officer.** The hearing officer shall preside at all hearings held pursuant to this Section and shall hear and receive evidence, shall make rulings relating thereto and shall perform all other usual or necessary functions of the presiding officer in an administrative hearing, all in accordance with the Missouri Administrative Procedure and Review Act, Chapter 536 RSMo., 2012, and the terms of this Section.

c. **Form of hearing, notice of hearing, disposition of hearing.** Prior to any such hearing, all affected parties shall be given at least twenty-one (21) days written notice of the hearing. Such notice shall be provided in the manner set forth in Subsection (E)(1) above. Any party may be represented by counsel at such hearing, and any interested person may be heard. After the hearing, if the evidence supports a finding that unsafe contamination exists in the structure or portion thereof in question, the hearing officer shall issue an order making specific findings of fact, based upon competent and substantial evidence, which shows the existence of unsafe contamination in the structure or portion thereof, and the hearing officer shall order the structure or portion thereof closed and the unsafe contamination abated. If the evidence does not support a finding that unsafe contamination exists in the structure or portion thereof, no order shall be issued.

d. **Notice of order.** The hearing officer shall furnish notice of the order by first class Mail, return receipt, to each person having an interest in the property as shown by the records of St. Louis County. The order shall specify the period of time, not less than thirty (30) days, to complete the required abatement.

e. **Failure to follow order.** In the event the hearing officer shall order the unsafe contamination in the structure or portion thereof to be abated and the owner fails to complete such abatement within the period of time set forth in the order, the City, acting through the Director of Community Development or the Director's designee, may proceed to have the unsafe contamination in the structure or portion thereof abated as the order provides.

f. **Tax bill.** For each structure or portion thereof determined to have unsafe contamination, that is not voluntarily abated by the owner, who bears all costs in such voluntary abatement, the Director of Community Development or the Director's designee shall keep a true and accurate accounting of the cost of abating such unsafe
contamination and shall report the same to the office of the City Clerk. The office of the City Clerk shall cause a special tax bill against such property from which such unsafe contamination was abated to be issued and collected with other taxes assessed against such property. The tax bill from the date of its issuance shall be a first lien upon such property until paid and shall be prima facie evidence of the recitals therein contained and of its validity. No mere clerical error or informality in the same or in the proceedings preceding and relating to the issuance thereof shall be a defense thereto. As part of the cost of abating the unsafe contamination, each special tax bill shall include a charge to be established by ordinance for the computing, making, certifying, and recording of the bill. Each special tax bill shall bear interest at the rate of eight percent (8%) per annum beginning thirty (30) days after its issuance.

g. **Right of appeal.** Any interested party may appeal to the Circuit Court of St. Louis County, as provided in Chapter 536, RSMo., any order issued by the hearing officer that a building or structure be closed or unsafe contamination abated.

6. **Verification of decontamination.** Following the completion of the decontamination work by a qualified contractor as provided in this Section, the owner of the property having undergone such decontamination work shall provide written results as evidence that the property no longer has unsafe contamination. Such written test results shall include documentation of post-decontamination sampling and analysis of such samples, performed by a qualified contractor other than, and independent from, the qualified contractor who performed the decontamination work. Post-decontamination sampling shall be performed in accordance with the appropriate sections of the United States Environmental Protection Agency Voluntary Guidelines for Methamphetamine Laboratory Cleanup.

G. **Final Action.** After the structure or portion thereof has been decontaminated and the Director of Community Development is in possession of evidence that the structure or portion thereof does not have unsafe contamination as set forth in this Section, the structure or portion thereof shall be considered safe and suitable for performance of a full inspection for an occupancy permit.

**Section 2.** That That Title V. Building and Construction of the Municipal Code of the City of Overland is hereby amended by the adoption of a new **Chapter 510 – Dangerous Buildings**, which reads as follows;
Chapter 510 Dangerous Buildings

Section 510.010 Purpose and Scope.

It is the purpose of this Chapter to provide a just, equitable, and practicable method for the repairing, vacation, or demolition of buildings or structures that may endanger the life, limb, health, property, safety, or welfare of the occupants of such buildings or the general public, and this Chapter shall apply to all dangerous buildings, as herein defined, that now are in existence or that may hereafter exist in the City of Overland, Missouri.

Section 510.020 Definitions

BUILDING SAFETY INSPECTOR
The Building Safety Inspection Coordinator shall be the Building Safety Inspector within the meaning of this Chapter.

DIRECTOR
The Director of the Department of Community Development.

Section 510.030 Dangerous Buildings Defined.

A. All buildings or structures that are detrimental to the health, safety, or welfare of the residents of the City and that have any or all of the following defects shall be deemed "dangerous buildings":

1. Those with interior walls or other vertical structural members that list, lean, or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.

2. Those that, exclusive of the foundation, show thirty-three percent (33%) or more damage or deterioration of the supporting member or members or fifty percent (50%) damage or deterioration of the non-supporting enclosing or outside walls or covering.

3. Those that have improperly distributed loads upon the floors or roofs, or in which the same are overloaded, or that have insufficient strength to be reasonably safe for the purpose used.

4. Those that have been damaged by fire, wind, or other causes so as to become dangerous to life, safety, or the general health and welfare of the occupants or the people of the City.
5. Those that are so dilapidated, decayed, unsafe, unsanitary, or that so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, safety, or welfare of those occupying such building.

6. Those having light, air, and sanitation facilities that are inadequate to protect the health, safety, or general welfare of human beings who live or may live therein.

7. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes, or other adequate means of evacuation.

8. Those that have parts thereof that are so attached that they may fall and injure members of the public or property.

9. Those that, because of their condition are unsafe, unsanitary, or dangerous to the health, safety, or general welfare of the people of this City.

Section 510.040 Dangerous Buildings Declared Nuisance.

All dangerous buildings or structures, as defined by Section 510.020 of this Chapter, are hereby declared to be public nuisances and shall be repaired, vacated, or demolished as provided herein.

Section 510.050 Standards for Repair, Vacation or Demolition.

A. The following standards shall be followed in substance by the Building Safety Inspector or his/her designee and the Director or his/her designee in ordering repair, vacation, or demolition of any dangerous building.

1. If the dangerous building can reasonably be repaired so that it no longer will exist in violation of the terms of this Chapter, it shall be ordered repaired.

2. If the dangerous building is in such condition as to make it dangerous to the health, safety, or general welfare of its occupants, it shall be ordered to be vacated and repaired.

3. In all cases where a building cannot be repaired so that it no longer will exist in violation of the terms of this Chapter, it shall be demolished.

4. In all cases where a dangerous building is a fire hazard existing or erected in violation of the terms of this Chapter or any ordinance of this City or
Section 510.060 Duties of Building Safety Inspector — Procedure and Notice.

A. The **Building Safety Inspector or his/her designee** shall have the duty under this Chapter to:

1. Inspect, or cause to be inspected, as often as may be necessary, all residential, institutional, assembly, commercial, industrial, garage, special, or miscellaneous occupancy buildings for the purpose of determining whether any conditions exist that render such place to be a dangerous building when he/she has reasonable grounds to believe that any such building is dangerous.

2. Inspect any building, wall, or structure about which complaints are filed by any person to the effect that a building, wall, or structure is or may be existing in violation of this Chapter, and the **Building Safety Inspector or his/her designee** determines that there are reasonable grounds to believe that such building is dangerous.

3. Inspect any building, wall, or structure reported by the Fire or Police Departments of this City as probably existing in violation of this Chapter.

4. Notify the owner, occupant, lessee, mortgagee, agent, and all other persons having an interest in the building or structure, as shown by the land records of the Recorder of Deeds of St. Louis County, of any building or structure found by him/her to be a dangerous building or structure within the standards set forth in Section 510.020. Such notice shall be in writing and shall be given either by personal service or by certified mail, return receipt requested, or if service cannot be had by either of these modes of service, then service may be had by publication in a newspaper qualified to publish legal notices for two (2) consecutive weeks.

The notice required shall state that:

a. The owner must vacate, vacate and repair, or vacate and demolish said building and clean up the lot or property on which the building is located in accordance with the terms of the notice and this Chapter.

b. The occupant or lessee must vacate said building or have it repaired in accordance with the notice and remain in possession.

c. The mortgagee, agent, or other persons having an interest in said building as shown by the land records of the Recorder of Deeds of St. Louis County may, at his/her own risk, repair, vacate, or demolish the
building and clean up the property or have such work done;

Provided that any person notified under this Subsection to repair, vacate, or demolish any building or clean up the property shall be given such reasonable time not exceeding thirty (30) days to commence the required work.

5. The notice provided for in this Section shall state a description of the building or structure deemed dangerous, a statement of the particulars that make the building or structure a dangerous building, a statement indicating that as a dangerous building said building or structure constitutes a nuisance, and an order requiring the designated work to be commenced within the time provided for in the above Subsection.

6. Report in writing to the Director or his/her designee the non-compliance with any notice to vacate, repair, demolish, clean up the property, or upon the failure to proceed continuously with the work without unnecessary delay.

7. Appear at all hearings conducted by the Commissioner of Building Hearings and testify as to the condition of dangerous buildings.

8. Immediately report to the Director or his/her designee concerning any building found by him/her to be inherently dangerous and that he/she determined to be a nuisance per se. The Director or his/her designee may direct that such building be marked or posted with a written notice reading substantially as follows:

"This building has been found to be a dangerous building by the Building Safety Inspector or his/her designee. This notice is to remain on this building and/or property until it is repaired, vacated or demolished and the property is cleaned up in accordance with the notice that has been given the owner, occupant, lessee, mortgagee or agent of this building and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of St. Louis County. It is unlawful to remove this notice until such notice is complied with." Provided however, that the order by the Director or his/her designee and the posting of said notice shall not be construed to deprive all persons entitled thereto by this Chapter to the notice and hearing prescribed herein.

Section 510.070 Duties of the Director.

A. The Director or his/her designee shall have the powers and duties pursuant to this Chapter to:
1. Supervise all inspections required by this Chapter and cause the **Building Safety Inspector or his/her designee** to make inspections and perform all the duties required of him/her by this Chapter. Upon receiving a complaint or report from any source that a dangerous building exists in the City, the **Director or his/her designee** shall cause an inspection to be made forthwith. If the **Director or his/her designee** deems it necessary to the performance of his/her duties and responsibilities imposed herein, the **Director or his/her designee** may request an inspection and report be made by any other City department or retain services of an expert whenever the **Director or his/her designee** deems such service necessary.

2. Upon receipt of a report from the **Building Safety Inspector or his/her designee** indicating failure by the owner, lessee, occupant, mortgagee, agent, or other persons(s) having an interest in said building to commence work of reconditioning or demolition within the time specified by this Chapter or upon failure to proceed continuously with work without unnecessary delay, hold a hearing giving the affected parties full and adequate hearing on the matter.

3. Give written notice of said hearing, either by personal service or by certified mail, return receipt requested, or if service cannot be had by either of those modes of service, then by publication in a newspaper qualified to publish legal notices, at least ten (10) days in advance of the hearing date, to the owner, occupant, mortgagee, lessee, agent, and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of St. Louis County, who may appear before the **Commissioner of Building Hearings** on the date specified in the notice to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated, or demolished in accordance with the statement of particulars set forth in the **Building Safety Inspector or his/her designee’s** notice as provided herein. Any party may be represented by counsel and all parties shall have an opportunity to be heard.

4. If the evidence supports a finding based upon competent and substantial evidence that the building or structure is a dangerous building and a nuisance and detrimental to the health, safety, or welfare of the residents of the City, the **Commissioner of Building Hearings** shall issue an order based upon its findings of fact commanding the owner, occupant, mortgagee, lessee, agent, or other persons(s) having an interest in said building as shown by the land records of the Recorder of Deeds of St. Louis County to repair, vacate, or demolish any building found to be a dangerous building and to clean up the property, provided that any person so notified shall have the privilege of either repairing or vacating and
repairing said building, if such repair will comply with the ordinances of this City, or may vacate and demolish said dangerous building at his/her own risk to prevent the acquiring by the City of the lien against the land where the dangerous building stands. If the evidence does not support a finding that a building or structure is a dangerous building or a nuisance or detrimental to the health, safety, or welfare of the residents of the City, no order shall be issued.

5. If the owner, occupant, mortgagee or lessee fails to comply with the order within thirty (30) days, the Director or his/her designee shall cause such building or structure to be repaired, vacated, or demolished and the property cleaned up as the facts may warrant. If the Commissioner of Building Hearings issues an order whereby the building or structure is demolished, secured, or repaired, or the property is cleaned up, the cost of performance, including all lawfully recoverable costs associated with such demolition, securing, or repairing of the property, shall be certified to the City Clerk or officer in charge of finance, who shall cause a special tax bill or assessment therefor against the property to be prepared and collected by the City Collector or other official collecting taxes, unless the building or structure is demolished, secured, or repaired by a contractor pursuant to an order issued by the City and such contractor files a mechanic's lien against the property where the dangerous building is located. The contractor may enforce this lien as provided in Sections 429.010 to 429.360, RSMo. Except as provided in Section 510.090, at the request of the taxpayer the tax bill may be paid in installments over a period of not more than ten (10) years. The tax bill from the date of its issuance shall be deemed a personal debt against the property owner and shall also be a lien on the property until paid. Said tax bill or assessment shall bear interest at a rate of eight percent (8%) per annum until paid.

Section 500.080 Duties of the Commissioner / Vice Commissioner of Building Hearings.

The Commissioner of Building Hearings or the Vice-Commissioner of Building Hearings shall conduct hearings, hear testimony, and make written findings of fact from the evidence offered at said hearing as to whether or not the building in question is a dangerous building within the terms of Section 510.020 of this Chapter; and shall have and perform such other duties as may be prescribed by this Code or any ordinance.

Section 510.090 Insurance Proceeds — How Handled.

A. If there are proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure caused by or arising out of any fire, explosion, or other casualty loss, the following
procedure is established for the payment of up to twenty-five percent (25%) of the insurance proceeds, as set forth in this Subsection. This Subsection shall apply only to a covered claim payment that is in excess of fifty percent (50%) of the face value of the policy covering a building or other structure:

1. The insurer shall withhold from the covered claim payment up to twenty-five percent (25%) of the covered claim payment and shall pay such monies to the City to deposit into an interest-bearing account. Any named mortgagee on the insurance policy shall maintain priority over any obligation under this Chapter.

2. The City shall release the proceeds and any interest that has accrued on such proceeds received under subdivision (1) of this Subsection to the insured or as the terms of the policy and endorsements thereto provide within thirty (30) days after receipt of such insurance monies, unless the City has instituted legal proceedings under the provisions of Subsection (6) of Section 510.080. If the City has proceeded under the provisions of Subsection (6) of Section 510.080, all monies in excess of that necessary to comply with the provisions of Subsection (6) of Section 510.080 for the removal, securing, repair, and clean-up of the building or structure and the lot on which it is located, less salvage value, shall be paid to the insured.

B. If there are no proceeds of any insurance policy as set forth in Subsection (A) of this Section, at the request of the taxpayer, the tax bill may be paid in installments over a period of not more than ten (10) years. The tax bill from the date of its issuance shall be a lien on the property and a personal debt against the property owner(s) until paid.

C. This Section shall apply to fire, explosion, or other casualty loss claims arising on all buildings and structures.

D. This Section does not make the City a party to any insurance contract, and the insurer is not liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.

E. The Director or his/her designee may certify that in lieu of payment of all or part of the covered claim payment under Subsection (A) that it has obtained satisfactory proof that the insured has removed or will remove the debris and repair, rebuild, or otherwise make the premises safe and secure. In this event, the Director or his/her designee shall issue a certificate within thirty (30) days after receipt of proof to permit covered claim payment to the insured without the deduction pursuant to Subsection (A) of this Section. It shall be the obligation of the insured or other person making the claim to provide the insurance company with the written certificate provided for in this Subsection.
Section 510.100 Appeal.

Any owner, occupant, lessee, mortgagee, agent or any other person(s) having an interest in a dangerous building as shown by the land records of the Recorder of Deeds of St. Louis County may appeal such decision to the Circuit Court of St. Louis County, as provided for in Sections 536.100 to 536.140, RSMo., if a proper record as defined in Section 536.130, RSMo., is maintained of the hearing provided for in Section 510.080 hereof. Otherwise, the appeal shall be made pursuant to the procedures provided for in Section 536.150, RSMo.

Section 510.110 Emergencies.

In cases where it reasonably appears that there is immediate danger to the health, life, safety or welfare of any person unless a dangerous building, as defined herein, is immediately repaired, vacated or demolished and the property is cleaned up, the Building Safety Inspector shall report such facts to the Director or his/her designee and the Director or his/her designee in consultation with the City Administrator may cause the immediate repair, vacation or demolition of such dangerous building. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected in the same manner as provided in Sections 510.080 and 510.090.

Section 510.120 Violations — Disregarding Notices or Orders.

The owner, occupant or lessee in possession of any dangerous building who shall fail to comply with the order to repair, vacate or demolish said building given by the Director or his/her designee, or who shall fail to proceed continuously without unnecessary delay; and any person removing any notices provided for in this Chapter; and any person violating any other provisions of this Chapter shall be guilty of an ordinance violation and upon conviction thereof shall be fined not more than one thousand dollars ($1,000.00). Each day that a person fails to comply with an order of the Director or his/her designee may be deemed a separate offense.

Section 510.130 Protocols for Abatement of Contamination Related to the Presence or Production of Methamphetamine.

A. Purpose. The purposes of this Section are:

1. To adopt standards for identifying dangerous levels of toxic chemicals and residue associated with the production and storage of methamphetamine and methamphetamine precursor chemicals, and

2. To establish protocols whereby the Director or his/her designee may
cooperate with and rely on law enforcement and emergency agencies to:

a. Evaluate whether a structure is contaminated in relation to the production and storage of methamphetamine and methamphetamine precursor chemicals, and

b. Order or cause the abatement of contamination in structures related to the presence or production of methamphetamine.

B. Definitions. For the purposes of this Section, the words or terms listed below are defined as follows:

**METHAMPHETAMINE**

Dextro- and levo-methamphetamine, and unidentified isomers of the same, any racemic mixture of dextro- /levo-methamphetamine, or any mixture of unidentified isomers of methamphetamine. The term includes derivatives, conjugates, oxides, and reduced forms of the basic structure associated with the formation of methamphetamine. For the purposes of this Section, this term includes amphetamine, ephedrine, and pseudoephedrine when so situated as to reasonably appear to be instrumental in the production of methamphetamine as previously defined under this heading, "METHAMPHETAMINE."

**METHAMPHETAMINE PRECURSOR CHEMICALS**

Includes chemicals enumerated in Subsection (C) when so situated as to reasonably appear to be instrumental in the production of methamphetamine.

**QUALIFIED CONTRACTOR**

A company or contractor who tests structures for the presence of unsafe methamphetamine contamination or abates such unsafe methamphetamine contamination and who:

1. Complies with the most current edition of the U.S. Environmental Protection Agency Voluntary Guidelines for Methamphetamine Laboratory Cleanup;

2. Complies with the regulations of the Occupational Safety and Health Administration of the United States Department of Labor relating to hazardous waste operations and emergency response, including 29 CFR 1910.120;

3. Requires that at least one (1) employee or supervisor assigned to and on duty at any work site shall have completed the forty (40) hour Hazardous
Waste Operations and Emergency Response (HASWOPER) training as provided by 29 CFR 1910.120;

4. Requires its personnel to complete a clandestine drug lab and decontamination course offered by a sponsor acceptable to the City of Overland;

5. Neither employs nor is managed or owned by a person who has either been convicted of any crime involving the production, possession, use, or distribution of methamphetamine; and

6. Is not engaged to test or decontaminate any structure or portion thereof in which it or any of its owners, managers, or personnel has an interest.

UNSAFE CONTAMINATION

The presence of chemicals in a structure or portion thereof at levels exceeding the levels for such chemicals as provided in Subsection (C) below.

C. Unsafe Contamination Levels. A structure or portion thereof will be considered unsafe for purposes of enforcing the Municipal Code of the City of Overland if it is found to contain any of the chemicals listed below at exposure limits above the levels listed below, as established by the National Institute for Occupational Safety and Health: [Ord. No. 2017-12, 9-11-2017]

1. Red Phosphorus: any amount.

2. Iodine Crystals: C.01 ppm (1 mg/m³).

3. Sulfuric Acid: TWA 1 mg/m³.

4. Hydrochloric Acid, A.K.A. Muriatic Acid: C 5 ppm (7 mg/m³).

5. Hydrogen Chloride (HCl gas): C 5 ppm (7 mg/m³).

6. Methamphetamine: in a concentration equal to or greater than 0.5 ug/100 cm².

7. Lead and Mercury: if it is determined that the phenyl-2-propanone (P2P) method of methamphetamine manufacturing was used, surface levels of lead in excess of 2.16 ug/100 cm² and vapor samples for mercury in excess of 50 ug/m³.
D. Closure And Vacation Orders Upon Report And Investigation By The Overland Police Department Or Other Law Enforcement Or Emergency Agencies.

1. Methamphetamine production or storage facility, unsafe contamination unknown. When the Overland Police Department or another law enforcement or emergency agency reports to the Director or his/her designee that there is probable cause to believe that a structure or portion thereof has been used for the production or storage of methamphetamine or methamphetamine precursor chemicals, the Director or his/her designee may order the structure or portion thereof closed pursuant to the emergency measures provided in Subsection (D)(4) until it has been tested by a qualified contractor to determine if the structure or portion thereof is safe for occupancy.

2. Methamphetamine production or storage facility, unsafe contamination known. When the Overland Police Department or another law enforcement or emergency agency reports to the Director or his/her designee that there is probable cause to believe that there exists unsafe contamination in a structure or portion thereof, and that such structure or portion thereof has been used for the production of methamphetamine or storage of methamphetamine or methamphetamine precursor chemicals, the Director or his/her designee shall order the structure or portion thereof closed pursuant to the emergency measures provided in Subsection (D)(4) below.

3. When closure order rescinded; when closure order to remain. If the structure or portion thereof is found to be safe for occupancy after initial testing, the closure order shall be rescinded. But if the structure or portion thereof is found to have unsafe contamination, the structure or portion thereof shall remain closed until the Director or his/her designee determines that it is safe for occupancy.

4. Vacation order. When the Director or his/her designee receives a report as set forth in Subsections (D)(1) or (D)(2) above, and in the opinion of the Director or his/her designee, life or health is immediately endangered by the unsafe contamination of a structure or portion thereof, the Director or his/her designee is hereby authorized and empowered to order the occupants of such structure or portion thereof to vacate immediately, whether or not a notice of violation has been given as described in Subsection (E) below, and whether or not the legal procedures described by Subsection (F) have been instituted.

5. When vacation order effective. Any person to whom a vacation order as set forth in Subsection (D)(4) above is directed shall comply immediately.
E. Supplementary Notice And Instructions.

1. Form of notice and recipients. While closure orders pursuant to Subsection (D)(4) may be posted, the Director or his/her designee shall also serve a notice upon the owner, occupant, lessee, mortgagee, and all other persons having an interest in the structure or portion thereof as shown by the records of St. Louis County. Such notice shall be served either by personal service or by certified mail, return receipt requested, but if service cannot be had by either of these modes of service, then service may be had by publication and posting of the notice described below on the property affected.

2. Time of reply. Such notice shall direct the owner to contact the Director or his/her designee, within twenty-one (21) calendar days, to establish a schedule for decontaminating the structure or portion thereof.

3. Retesting at owner's option. Such notice shall also inform the owner that if the owner contacts the Director or his/her designee within the time specified in the notice, the owner may request to have the structure or portion thereof retested. Such retesting must be performed as follows:

   a. The owner must employ the service of a qualified contractor to perform sampling and to analyze the samples.

   b. The Director or his/her designee must be present when the qualified contractor takes samples.

   c. The owner shall pay an inspection fee in the amount of forty dollars ($40.00) to the City of Overland. The inspection fee must be paid prior to the time of appointment for taking samples.

   d. Sampling and testing shall be performed in accordance with the appropriate sections of the most current edition of the U.S. Environmental Protection Agency Voluntary Guidelines for Methamphetamine Laboratory Cleanup.

   e. The qualified contractor engaged by the owner must report the results of its analysis of all samples taken to the Director or his/her designee.

F. Decontamination And Abatement.

1. Duties of owner upon contamination finding. If testing confirms the presence of unsafe contamination in a structure or portion thereof, the owner shall hire a qualified contractor to decontaminate the structure, or
portion thereof, and advise the Director or his/her designee of the schedule for decontamination.

2. **Director of Community Development to oversee decontamination.** The schedule for the work and evidence that the qualified contractor meets the requirements of this Section must be submitted for approval to the Director or his/her designee within twenty-one (21) calendar days of the receipt of notice. The Director or his/her designee will provide approval or rejection of the schedule within a reasonable time of submission.

   a. **Rejection of schedule or proposed contractor.** Upon rejection, the owner will be informed, in writing, of specific reasons for the rejection, and the owner will be required to amend the schedule for decontamination or propose a new qualified contractor, as appropriate to the rejection.

3. **Decontamination standards.** Decontamination shall be performed in accordance with the appropriate sections of the most current edition of the U.S. Environmental Protection Agency Voluntary Guidelines for Methamphetamine Laboratory Cleanup.

4. **Failure to abate.** If the owner of a property determined to have unsafe contamination fails to abate that contamination, the Director or his/her designee may serve a notice of violation on the owner pursuant to the procedures set forth in Subsection (E)(1) above.

5. **Hearing.** If the owner of a property determined to have unsafe contamination is unwilling or unable to abate contamination within forty-five (45) days of service of notice, the Director or his/her designee shall call and hold a full and adequate hearing on the matter.

   a. **Hearing officer.** City Administrator shall act as hearing officer to hold all hearings provided hereunder or may select and appoint a hearing officer for any such hearing.

   b. **Duties of hearing officer.** The hearing officer shall preside at all hearings held pursuant to this Section and shall hear and receive evidence, shall make rulings relating thereto and shall perform all other usual or necessary functions of the presiding officer in an administrative hearing, all in accordance with the Missouri Administrative Procedure and Review Act, Chapter 536 RSMo., 2012, and the terms of this Section.

   c. **Form of hearing, notice of hearing, disposition of hearing.** Prior to any such hearing, all affected parties shall be given at least twenty-one (21)
days written notice of the hearing. Such notice shall be provided in the manner set forth in Subsection (E)(1) above. Any party may be represented by counsel at such hearing, and any interested person may be heard. After the hearing, if the evidence supports a finding that unsafe contamination exists in the structure or portion thereof in question, the hearing officer shall issue an order making specific findings of fact, based upon competent and substantial evidence, which shows the existence of unsafe contamination in the structure or portion thereof, and the hearing officer shall order the structure or portion thereof closed and the unsafe contamination abated. If the evidence does not support a finding that unsafe contamination exists in the structure or portion thereof, no order shall be issued.

d. Notice of order. The hearing officer shall furnish notice of the order by first class Mail, return receipt requested, to each person having an interest in the property as shown by the records of St. Louis County. The order shall specify the period of time, not less than thirty (30) days, to complete the required abatement.

e. Failure to follow order. In the event the hearing officer shall order the unsafe contamination in the structure or portion thereof to be abated and the owner fails to complete such abatement within the period of time set forth in the order, the City, acting through the Director or his/her designee, may proceed to have the unsafe contamination in the structure or portion thereof abated as the order provides.

f. Tax bill. For each structure or portion thereof determined to have unsafe contamination, that is not voluntarily abated by the owner, who bears all costs in such voluntary abatement, the Director or his/her designee shall keep a true and accurate accounting of the cost of abating such unsafe contamination and shall report the same to the office of the City Clerk. The office of the City Clerk shall cause a special tax bill against such property from which such unsafe contamination was abated to be issued and collected with other taxes assessed against such property. The tax bill from the date of its issuance shall be a first lien upon such property until paid and shall be prima facie evidence of the recitals therein contained and of its validity. No mere clerical error or informality in the same or in the proceedings preceding and relating to the issuance thereof shall be a defense thereto. As part of the cost of abating the unsafe contamination, each special tax bill shall include a charge to be established by ordinance for the computing, making, certifying, recording of the bill, and any other cost recoverable in accordance with Missouri law. Each special tax bill shall bear interest at the rate of eight percent (8%) per annum beginning thirty (30) days after its
issuance.

g. Right of appeal. Any interested party may appeal to the Circuit Court of St. Louis County, as provided in Chapter 536, RSMo., any order issued by the hearing officer that a building or structure be closed, or unsafe contamination abated.

6. Verification of decontamination. Following the completion of the decontamination work by a qualified contractor as provided in this Section, the owner of the property having undergone such decontamination work shall provide written results as evidence that the property no longer has unsafe contamination. Such written test results shall include documentation of post-decontamination sampling and analysis of such samples, performed by a qualified contractor other than, and independent from, the qualified contractor who performed the decontamination work. Post-decontamination sampling shall be performed in accordance with the appropriate sections of the United States Environmental Protection Agency Voluntary Guidelines for Methamphetamine Laboratory Cleanup.

G. Final Action. After the structure or portion thereof has been decontaminated and the Director is in possession of evidence that the structure or portion thereof does not have unsafe contamination as set forth in this Section, the structure or portion thereof shall be considered safe and suitable for performance of a full inspection for an occupancy permit.

Section 3. That said Title V. in all of its other provisions and as herein amended shall remain in full force and effect.

Section 4. This ordinance shall be in full force and effect from and after its passage and approval according to law.

PASSED this 17th day of July, 2023.

______________________________________________
MAYOR
July 17, 2023
Date of Approval

ATTEST:

______________________________________________
CITY CLERK
INTERNAL MEMORANDUM
OFFICE OF THE CITY ADMINISTRATOR

TO: Mayor Little and
Members of the City Council

CC: Melissa Burton
City Clerk

Joe Bond
City Attorney

FROM: Jason McConachie
City Administrator

DATE: Thursday, June 22, 2023

RE: Use of “Consent Agenda” for future City Council Meetings

As the Mayor mentioned at the last meeting, we would like to discuss the use of a Consent Agenda as part of the City Council meetings. I have prepared the following information for your review.

A “Consent Agenda” is essentially an Agenda **within** the Regular City Council Meeting Agenda. Items on the Consent Agenda are considered administrative actions that are routine in nature and **may be approved by a single motion and vote by the City Council.**

At the request of the Mayor or any individual member of the City Council, any item on the Consent Agenda may be moved to the Report of the City Attorney, for further discussion and individual vote.

I would recommend that the Consent Agenda be limited to the following items;

- Minutes of the previous City Council Meeting
- Minutes of the previous City Council Worksession *(if any)*
- Bills (Invoices to be approved)
- Resolutions - *with certain exceptions including*:
  - Adoption of the Annual Budgets
  - Budget Amendments related to Employee Compensation
The Mayor and City Council have discretion as to what should or should not be included on the Consent Agenda, so if there is something else anyone thinks should be included or not included, that is certainly something that can be discussed.

A couple of examples that come to mind include:

- Any contract related to the City’s various insurance coverage/policies.
- Any contract for the purchase of equipment or services in excess of $100,000.00.

With respect to the option to remove something from the Agenda for further discussion, I would submit that simply asking a question for the purpose of clarification would not be deemed discussion and would not necessitate the removal of the item from the Consent Agenda.

The use of a Consent Agenda does NOT eliminate the need for the preparation of the legislation related to each item. The legislation that you typically see in the packet will continue to be included.

The process for using the Consent Agenda would involve someone, most likely myself, reading the items that are included on the Consent Agenda, which would include the titles of the legislation. Once the list of items is read, the Mayor will call for a motion and a vote to approve all of the items on the Consent Agenda.

To give you an idea of what the meeting agenda would look like, I have attached a copy of a “Mock Agenda” based on the agenda from the June 26, 2023, City Council meeting. The items shaded in Yellow would have been included on the Consent Agenda and could be approved by a single vote of the City Council.

In this instance, the use of the Consent Agenda would have eliminated the need for individual votes on the **Seven (7) items highlighted in Yellow**.

I believe that it is the Mayor’s intention to include this item on a future Worksession Agenda to allow for some discussion prior to actual implementation.

Should you have any questions or require additional information, please let me know.

Respectfully submitted.
TENTATIVE AGENDA
CITY COUNCIL MEETING
OVERLAND CITY HALL - COUNCIL CHAMBERS
9119 LACKLAND RD., OVERLAND, MO 63114
MONDAY, JUNE 26, 2023, AT 6:00 P.M.

5:50 P.M. – EXECUTIVE SESSION
1. Personnel, in accordance with RSMo. 610.021(3).

6:00 P.M. – CITY COUNCIL MEETING
1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. REMEMBRANCE OF OUR SERVICE MEN AND WOMEN
5. PUBLIC HEARING
   • Zoning Text Amendment – Amend Section 400.335 Unattended Donation/Collection Boxes (UDCB)
   • Zoning Text Amendment – Amend Chapter 420 - Tree Preservation

6. COMMUNITY ANNOUNCEMENTS

7. CONSENT AGENDA
   • Approval of Minutes
     • 06-12-2023 City Council Meeting Minutes
     • 06-12-2023 City Council WS Minutes
   • Approval of Bills
     • R2023-56 – Resolution of Intention - Chapter 400 “Marijuana Businesses”
     • R2023-57 – Liquor License Renewals
     • R2023-58 – Grant: Bulletproof Vest Partnership
     • R2023-59 – MSHP HIDTA Subaward Agreement
     • R2023-60 – Contract: Purchase of Winter Deicing Salt

8. REPORT OF THE CITY CLERK

9. REPORT OF THE CITY ATTORNEY
   Resolutions
     • R2023-50 – FY2023/2024 General Fund Budget
     • R2023-51 – FY2023/2024 Park Fund Budget
     • R2023-52 – FY2023/2024 Capital Improvement Fund Budget
     • R2023-53 – FY2023/2024 Small Fund Budget
     • R2023-54 – FY2023/2024 Employee Compensation
     • R2023-55 – Contract: Purchase of Police Patrol Vehicles
Ordinances
- Bill 13-2023 – Amend Section 400.335 UDCB
- Bill 14-2023 – Amend Chapter 420 Tree Preservation
- Bill 15-2023 – New Section 225.096 Administrative Warrants
- Bill 16-2023 – New Section 600.340 Commercial Quadricycles
- Bill 17-2023 – XO Comm ROW Use Agreement

10. STAFF REPORTS
11. RESIDENTS COMMENTS
12. REPORT OF THE CITY COUNCIL
13. REPORT OF THE MAYOR
14. ADJOURNMENT
To: Mayor Little and Members of the City Council

From: Jason McConachie
City Administrator

Date: Wednesday, July 12, 2023

Re: Fencing at Brooks Park

As you are aware, the City is currently working on the redevelopment of Brooks Park to include the installation of a new pedestrian loop trail and two (2) pedestrian bridges.

During the design process, we determined that the privacy fence for the property at 9718 Flora Avenue was actually located on the property at 9722 Flora Avenue. (The property at 9722 Flora Avenue was previously owned by MSD but was recently transferred to the City of Overland.)

Unfortunately, the privacy fence is located directly in the path of the proposed loop trail connection to the intersection of Flora Avenue and Wallis Avenue. Based on a discussion with SWT, it was determined that the path of least resistance (no pun intended) was to relocate the privacy fence to the property line of 9718 Flora Avenue. I have attached a copy of the survey of the area and the issue at hand (9718-9722 Flora Avenue – Fence Issue).

In 2019, the property owner of 9718 Flora obtained a permit to replace a previously existing wooden privacy fence with a new wood privacy fence. It is unclear why the issue of the location of the fence wasn’t addressed at that time, but clearly it was not. In an effort to avoid a dispute with the property owner at 9718 Flora it is my recommendation that the City cover the cost to relocate the fence.

In addition, we have the issue of the existing City-owned chain link fence (~370 feet) that runs along the rear of the properties that back up to the park. Some of the fencing along this section is deteriorated and in need of replacement, especially behind the property at 9718 Flora.

Initially, it was my intention to recommend replacing the portion of the chain link fence behind 9178 Flora with a wood privacy fence, however after discussing the issue with Scott Pope, I am now inclined to recommend that we replace all of the existing City-owned chain link fence with new chain link fencing with privacy slats. I have attached an
aerial photograph showing the location of the wooden privacy fence for 9718 Flora as well as the location of the chain link fence to be replaced.

This recommendation is based on a couple of factors; (1) while the chain link fence is going to be more costly at the outset, the long-term maintenance costs are going to be reduced, (2) obtaining access to maintain the fence from the residential side is going to be cumbersome, (3) with the installation of the new trail close to the adjacent residential properties, I feel the new fence will provide some additional privacy.

The City did issue an RFP for the proposed work, with the following results:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Base Bid</td>
<td>$8,988.00</td>
</tr>
<tr>
<td>Alternate #1</td>
<td>$27,640.00</td>
</tr>
<tr>
<td>Alternate #2</td>
<td>$32,130.00</td>
</tr>
</tbody>
</table>

- **Base Bid**: Install new wood privacy fence along west and south side of the property at 9718 Flora.

- **Alternate #1**: Install new privacy fence along west side of the property at 9178 Flora and along rear of residential properties adjacent to the park (~370’ of new wood privacy fence).

- **Alternate #2**: Install new privacy fence along west side of the property at 9178 Flora and along rear of residential properties adjacent to the park (~370’ of new chain link fence with privacy slats).

I wanted to give the Mayor and City Council an opportunity to weigh in on this issue and provide some direction to City Staff as to how they would like to proceed. As a result, I have included this matter on the worksession agenda for the July 17, 2023 City Council meeting.

Should you have any questions or require additional information, please let me know.

Respectfully submitted.
9718-9722 Flora Avenue – Fence Issue

City Owned Property

Privacy Fence

Loop Trail

Area of Concern
Fence at Brooks Park

Existing Fence to be relocated

Existing Chain link Fence to be replaced
ININTERNAL MEMORANDUM
OFFICE OF THE CITY ADMINISTRATOR

TO: Mayor Little and
Members of the City Council

FROM: Jason McConachie
City Administrator

DATE: Wednesday, July 12, 2023

RE: Section 100.140 Purchasing Code – Proposed Revisions

In light of the lingering impact the COVID-19 Pandemic has had on the economy and
workforce, the City has experienced ever increasing difficulties and frustrations when it
comes to certain requirements of the City’s Purchasing Code.

Whether it is the increase in costs to acquire a product/service or simply getting vendors
to submit a quote or respond to an RFP, the current requirements of the Purchasing Code
are resulting in additional staff time being spent to obtain bids and a creating unnecessary
delays in the completion of certain purchases or obtaining certain services.

As a result, I am requesting that the Mayor and City Council consider the following
amendments to the Purchasing Code.

NOTE: With the exception of amendments related to Sole Source Purchasing and
Disposal of Abandoned/Surplus Property (which were approved in November 2016)
the remainder of the Purchasing Code has remained unchanged since its initial
adoption in 2009.

SECTION 100.140 I. FORMAL COMPETITIVE BIDDING. § 2. e.

✓ CURRENT LANGUAGE: “The Purchasing Agent will also solicit bids by mailing
copies of the specifications and bidding documents to prospective vendors.”

✓ PROPOSED LANGUAGE: “The Purchasing Agent may also solicit bids by mailing a
copy of the Invitation to Bid to prospective vendors.”

✓ JUSTIFICATION FOR PROPOSED CHANGE: Typically, when sending out an RFP, I
will try and send it to a minimum of 6-8 vendors. RFPs issued by the City are
routinely in excess of 80 pages in length with postage costs of $3.00 - $4.00 per item.
On the other hand, an Invitation to Bid is 2-3 pages in length and costs $0.66 per
item.
In addition to sending out the RFP, the City also published the RFP on its website. The *Invitation to Bid* includes a link to the RFP that the vendor can use to view the RFP.

The proposed change would allow us to reduce our costs related to the issuance of the RFP both in terms of direct costs (Paper and Postage) but also indirect costs (Staff time).

**SECTION 100.140 I. FORMAL COMPETITIVE BIDDING. § 4.**

- **CURRENT LANGUAGE:** “The Purchasing Agent may advertise for sealed bids for any item for which an appropriation has been made in the annual budget of the City or upon approval of a majority of the members of the City Council.”

- **PROPOSED LANGUAGE:** “The Purchasing Agent may advertise for sealed bids for any item for which an appropriation has been made in the annual budget of the City, upon approval of a majority of the members of the City Council or if advertising for sealed bids is deemed by the Purchasing Agent to be in the best interest of the City.”

- **JUSTIFICATION FOR PROPOSED CHANGE:** The proposed change would allow the Purchasing Agent (City Administrator) to expedite the process for obtaining a product or service that the Purchasing Agent believes would be beneficial to the City. In addition, this change would allow the Purchasing Agent to obtain firm pricing prior to presenting the item to the Mayor and City Council.

The proposed change would NOT authorize the Purchasing Agent to proceed with the purchase of said product or service as that authority would remain with the City Council.

While I do not believe that this provision would be used on a regular basis, there are certainly instances where it could be useful, especially when there are extended breaks between City Council Meetings.

**SECTION 100.140 J. OPEN MARKET PURCHASES.**

- **CURRENT LANGUAGE:** The following table provides an overview of the Current Dollar Limits for Open Market Purchases.

<table>
<thead>
<tr>
<th>Bids/Quotes Not Required</th>
<th>3 or more Written Quotes</th>
<th>RFP (Competitive Bids)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Current Limits</strong></td>
<td>Less than $1,500.00</td>
<td>Greater than $5,000.00</td>
</tr>
<tr>
<td></td>
<td>Between $1,500.00 &amp; $5,000.00</td>
<td></td>
</tr>
</tbody>
</table>

- **PROPOSED LANGUAGE:** The following table provides an overview of the Proposed Dollar Limits for Open Market Purchases.
Bids/Quotes Not Required | 3 or more Written Quotes | RFP (Competitive Bids)
---|---|---
Proposed Limits | Less than $3,500.00 | Between $3,501.00 & $7,500.00 | Greater than $7,500.01

✔ **JUSTIFICATION FOR PROPOSED CHANGE:** With the ever increasing costs of products and services we have routinely find ourselves exceeding the $1,500.00 limit for basic products or services that have historically fallen below this amount.

As a result, under the current purchasing code, we are now required to obtain 3 or more written quotes. However, given the current labor shortage, obtaining the necessary quotes has become exceedingly difficult and time consuming as the vendors don’t have the staffing to provide the quotes, especially when it comes to the minimal dollar amounts.

The proposed changes would reduce the amount of time we would need to spend obtaining Written Quotes and would speed up the overall process.

SECTION 100.140 L. ABSENCE OR REJECTION OF BIDS

✔ **Current Language:** L. “Absence or Rejection of Bids. The City Council may, by resolution, approve negotiated procurement of goods or services of a value in excess of five thousand dollars ($5,000.00) if there have been no responsive bids to an advertisement for bids or if the City Council has rejected all bids.”

✔ **Proposed Language:** L. Negotiated Procurement. In lieu of instituting the competitive bidding process set forth in Section 100.140 § I., the City Council may approve a negotiated procurement of goods or services if:

A. There have been no responsive bids to an advertisement for bids pursuant to Section 100.140 § I.; or

B. If the City Council has rejected all bids received pursuant to an advertisement for bids under Section 100.140 § I.; or

C. The City Council determines that, based on the facts and circumstances of a particular situation, the purpose of the City's Purchasing Code to obtain the best value for goods and services would be frustrated by following the formal competitive bidding process of Section 100.140 § I. and that negotiation with one (1) or more vendors would enhance the City's opportunity to procure proven, quality services or products in a more efficient and cost-effective manner.

✔ **JUSTIFICATION FOR PROPOSED CHANGE:** The addition of § C. would allow the City Council the ability to waive the Competitive Bidding requirements under Section 100.140 § I. in instances where it is in the best interest of the City.
• For example, in the case of NovaChip, there are only two contractors who do this work. With this provision in place, the City could simply send the RFP to the two contractors and ask them to submit a bid for the work. We could eliminate the need for publishing the notice in the newspaper, waiting at least 2 weeks for them to respond, etc.

• Another example would be for continuity of service. If we have a contract with a vendor to provide a certain service (not a professional services such as auditing or engineering) that we are happy with and wish to continue utilizing to provide said service, the City Council could use this provision to extend the contract without the need for going out to bid.

• Another example would be for a specialized service where the required services vary from project to project. A good example of this would be the outfitting of City vehicles, especially Police Patrol Vehicles, as each vehicle can be slightly different.

While we have designated the current service provider (VIP) as sole-source provider for individual projects, this may not always be the case, especially if another vendor comes along. Given the potential for different configurations, the City may find itself needing to bid out the service, if more than one can perform said service. In addition, given the different configurations, it could potentially become necessary to bid out each vehicle, which given the different number of components would become rather cumbersome.

This provision would provide the City Council the opportunity to waive the competitive bidding requirements and allow the City to negotiate a contract with a single or multiple specialized vendors without having to weed through all of the other generalized vendors.

The final example would be in the case of Emergency Purchases. Currently the Purchasing Code authorizes the Purchasing Agent, with the consent of the Mayor, to make Emergency Purchases, up to $15,000.00. However, if the cost of the emergency Purchase exceeds $15,000.00, then we are supposed to use the Competitive Bidding requirements under Section 100.140 § I. This provision would allow the City Council to waive those requirements and allow the City to procure the item much quicker.

• Finally, this provision would provide the City Council the ability to waive the Competitive Bidding requirements under Section 100.140 § I, for any reason they deemed to be in the best interest of the City.

Should you have any questions or require additional information, please let me know.

Respectfully submitted.