



WHERE COMMUNITY AND SPIRIT MEET*

**City of Kirkwood
City Council Work Session
Thursday, March 5, 2026**

5:30 p.m.

**City Hall, Main Level Conference Room
139 S. Kirkwood Rd.
Kirkwood, MO 63122
(Posted March 3, 2026 at 2:55 p.m.)**

Please note that work sessions are for council discussion only and there will be no public comment portion of the meeting. When a topic is completed the council will immediately move on to the next item on the agenda.

- I. Approval of the Special Joint City Council & Water Sub-Committee
February 17, 2026 Work Session Minutes**
- II. Approval of the February 19, 2026 Work Session Minutes**
- III. Tree Ordinance Discussion**
- IV. Urban Forestry Commission – Tree of the Year Discussion**
- V. Budget Discussion**
- VI. Meeting Adjournment**

Kirkwood City Council: Mayor Liz Gibbons, Council Members Gina Jaksetic, Nancy Luetzow, Mark McLean, Al Rheinnecker, Paul Schaefer, and Mark Zimmer

Contact Information: For full City Council contact information visit www.kirkwoodmo.org/council. To contact the City Clerk call 314-822-5802. To contact the Interim Chief Administrative Officer call 314-822-5801.

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



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SPECIAL WORK SESSION MINUTES

A special joint work session of the Kirkwood City Council and Water Sub-Committee was held on February 17, 2026, at 3:00 p.m. at the Performing Arts Center, 210 East Monroe, Kirkwood, Missouri. Present from the City Council were: Mayor Gibbons; Council Members Jaksetic; Luetzow; McLean; Rheinnecker; and Schaefer. Present from the Water Sub-Committee were: Randy Moore, Ken Fenton, Fonda Fantroy Richards, and Jeff Theerman. Also in attendance were Interim Chief Administrative Officer David Weidler, City Clerk Laurie Ashe, and Director of Public Services Chris Krueger. Council Member Zimmer was absent and excused.

MISSOURI PUBLIC SERVICE COMMISSION OVERVIEW – AUTHORITY, RESPONSIBILITIES, AND JURISDICTION RELATED TO WATER UTILITIES

The City Council, along with members of the Water Sub-Committee met for the purpose of receiving a detailed overview from Curt Gately, Regulatory Compliance Manager with the Missouri Public Service Commission (PSC). The intent of the meeting was informational only and focused on understanding the PSC's regulatory authority, processes, and oversight as they relate to privately owned water utilities. Some of the discussion that took place is as follows:

PSC structure and role:

- The PSC regulates privately owned utilities, including water providers.
- The PSC evaluates financial capability, technical capacity, territorial boundaries, and compliance history.
- The PSC cannot advise a municipality whether to sell its water system.

Acquisition process and certificates of service:

- A question was raised regarding how a private utility obtains authorization to serve a new area. Utilities must apply for a certificate of service reviewed by PSC staff. The Office of Public Counsel participates to represent ratepayer interests. The selling entity does not have to be a formal party if sufficient information is provided by the buyer.

Valuation of water system assets:

- A question was raised regarding valuation governed by State Statute. Systems of Kirkwood's size are typically evaluated using net book value based on depreciation schedules.
- The PSC focuses on depreciated asset value when determining what may enter rate base.
- Acquisition premiums may be negotiated but are generally not recoverable from ratepayers.
- Appraisals may occur independently between buyer and seller, with PSC verifying accounting information.

Rate regulation and rate cases:

- A question was raised regarding whether rates could increase dramatically following an acquisition. Utilities must file formal rate cases subject to audits and Commission approval.
- Rate increases are typically incremental due to regular filings.



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- The future test year process allows projected investments with reconciliation after one year.

Return on equity and profit limits:

- A question was raised regarding allowable profit margins. Return on equity is determined through PSC proceedings and generally falls within a regulated range.

Rate districts and cost sharing:

- A question was raised regarding whether Kirkwood alone could face higher rates. Missouri American Water currently spreads investments across regional rate districts.
- St. Louis County customers share costs collectively rather than by individual municipality.

Customer service oversight and complaint process:

- The PSC reviews customer service standards including billing, deposits, communication, and responsiveness.
- Residents may file informal inquiries or formal complaints leading to investigation.
- A question was raised regarding responsiveness to outages. Complaints are generally limited and often relate to infrastructure replacement decisions.

Coordination with municipal projects:

- Discussion took place regarding coordination between utilities and municipalities during street projects.
- Restoration standards and permitting requirements can occasionally create disputes.

Service line ownership and lead line replacement:

- Questions were raised regarding ownership of service lines and replacement responsibilities. Kirkwood owns the line from the meter to main, and the customer owns the line from the meter to the home.
- A discussion took place regarding replacement of lead service lines.

Capital investment and infrastructure needs:

- Under Missouri American Water's current rate structure, funding for capital expenses falls within two categories; St. Louis County and areas outside of St. Louis County.
- Missouri American Water targets approximately two percent annual main replacement, though actual performance may be lower.

Transaction timeline:

- A question was raised regarding typical acquisition timelines. PSC's internal review may take approximately ninety days. Full transactions commonly span eighteen to twenty-four months depending on negotiations and due diligence.

Funding sources:

- Questions were raised regarding additional funding beyond rates, bonds, and grants. Major alternative funding sources are limited aside from targeted grant programs and revolving funds.



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Private equity ownership:

- A question was raised regarding differences between investor-owned utilities and private equity ownership. All regulated entities must meet the same PSC standards regardless of ownership structure.

Compliance and water quality:

- Question was raised regarding if any complaints have been filed regarding water compliance. There have been no significant violations noted within the past two years.

Depreciation and asset longevity:

- The Commission may require depreciation studies to adjust schedules based on actual asset performance and conditions.

Since no further matters were to come before the council, the meeting was adjourned.

Laurie Asche
City Clerk



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WORK SESSION MINUTES

A work session of the Kirkwood City Council was held on February 19, 2026, at 5:00 p.m. at Kirkwood City Hall, 139 S. Kirkwood Road, Kirkwood, Missouri. Present were: Mayor Gibbons, Council Members Jaksetic, Luetzow, McLean, Rheinneck, Schaefer, and Zimmer. Also in attendance were Interim Chief Administrative Officer David Weidler, City Clerk Laurie Asche, Deputy City Clerk Zoe Williams, Communications Manager Jessica Winter, Director of Finance Mary Sprung, Director of Public Services Chris Krueger, Police Chief Brian Murphy, and City Attorney Jackie Graves.

APPROVAL OF THE FEBRUARY 12, 2026 WORK SESSION MINUTES

Motion was made by Council Member Zimmer and seconded by Council Member Schaefer to approve the minutes of the February 12, 2026 work session meeting. The minutes were approved with Council Member McLean abstaining.

AFTER MARKET MUFFLER NOISE DISCUSSION

Council discussed the ongoing issue of excess noise from certain vehicles and the City's current and potential methods of enforced volume control. The following was discussed with Police Chief Brian Murphy and City Attorney Jackie Graves:

- Existing ordinances applicable to excess noise
 - Disturbance of the peace – Chapter 17, Article V, Section 17-69
 - Vehicles producing noise – Chapter 14, Article VII, Section 14-356
 - Defective vehicles – Chapter 17, Article V, Section 17-70(h)
- Methods and circumstances of enforcement
 - Disturbance of the peace requires at least one non-law enforcement on duty complaining witness
 - Issued tickets result in an \$87 fine
- A total of 35 tickets were written in 2025
- Concentrated patrol, particularly in the Special Business District, has strengthened enforcement
- A device colloquially called the “spot-shotter,” used for detecting decibels, has been utilized with success in other municipalities, but staff suggests that current circumstances don't warrant the expense of purchase
- The issue requires less changes in the Code of Ordinances and more enforcement

Brief discussion was held on the following topics:

- Vehicle operators under the influence of marijuana
- Aerial-assisted enforcement of traffic laws

POLICE WALKING THE BEAT DISCUSSION

Interim Chief Administrative Officer David Weidler introduced Police Chief Brian Murphy to present to the Council last year's results and this year's projections of placing police officers on patrol on-foot. Community feedback was largely positive. Officers focused on the Special Business District and school facility areas. Discussion centered around the following:

- Strong positive response from school faculty and the community to School Resource Officers
- Officers' opinion of walking the beat – assigned Officers typically enjoy walking
- Direction from the Council on on-foot patrol in Downtown Kirkwood



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- Last year's business response was positive, with some conflict regarding tickets
- Benefits of increased safety, improved enforcement of certain issues such as after-school crowds, and strengthening of the community's relationship with police

It was the consensus of the Council to continue the assignment of walking beats.

BUDGET DISCUSSION

Director of Finance Mary Sprung presented to the Council the latest updates to the FY27 budget. Topics revolved around general and capital improvement funds, the Electric fund, net projections, and transfer projections.

- \$1.2 million will be retained within the general fund, and the same amount will be transferred from the Sanitation fund to balance the operating budget
- Advances to the Electric Department are projected at a total \$15.5 million at the end of FY27, with this deficit reduced to \$14 million at the end of FY28
 - The overall end goal is to eliminate the deficit and return the Electric Department reserves to \$15 million
- Advances from the Electric Department to the general fund are projected at a total \$1.9 million for operating expenses and are to be determined by the Council
 - Foregoing this transfer would raise reserve use from \$1.2 million to \$3.1 million
 - Any additional budget gains will be put toward the \$1.9 million
- TDD/Infrastructure funds show a positive balance of \$594,000 with ~\$60,000 in the capital budget and the remaining TDD funds allocated to potential over-budget cost for projects
 - The Kirkwood Road project is not included in this budget due to the near-double increase of the anticipated cost
 - The City will try to capture a grant to receive an 80% match on the new project bid of \$3.5 million next year, with no prejudice stated from East-West Gateway for any previously incurred costs or received monies
 - The start date of the Grant's Trail project will also be delayed by 1 year, with an unchanged completion date
 - 3 line items under infrastructure have been moved to the capital fund for the Public Works move
- Expenditures have been reduced from \$14 million to \$8 million
 - Reductions range from \$1,000 to \$70,000 per line item
 - Transfers to the to the capital account from Electric, Water, and Sanitation have been removed
- Parks shows a budgeted negative \$5 million fund balance, allocated to the ice rink renovation, and a further \$100,000 to pool maintenance and \$5,000 to the Reim Theater
- The Council will be provided market salary options for the Police and Fire Departments, which contain a budgeted 3% increase over FY27, and future increase options to ensure salaries are in the 65th percentile by April 1
 - Sales tax percentages are allocated to Police and Fire, with Police mostly utilizing this for salary and Fire for capital
- Typical budget usage ranges from 94% – 96% of actual budgeted amount
- Interfund loans between Departments exist and are collecting interest



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- Though contingencies exist in the budget, in the event of a major emergency (natural disaster, large-scale destruction), in addition to insurance coverage, advances would have to be made.

Action items:

- Staff will have the next budget book completed in time for the March 5 meeting
- Salary options for Police and Fire will be provided to the Council and include pension and benefits
- Staff will consider cost-saving alternatives for the purchase of electricity, from Grain Belt Express and other such suppliers, or via contract with Ameren
- Staff will provide a list of further possible reductions
- Staff advised Council to send requests for line item breakdowns by 12:00 p.m. on Tuesday, February 24th

Since no further matters were to come before the Council, the meeting was adjourned.

Laurie Asche
City Clerk

ARTICLE I
General Tree Regulations

§ 24-2

§ 24-1. Purpose. [Ord. No. 10539, 12-20-2018; Ord. No. 10825, 9-21-2023]

The purpose of this Code is to promote and protect the preservation, safety, and general welfare of the City's interests by ~~providing for the regulation of~~ **regulating** the planting, protection, maintenance, survival and removal of the trees within the City of Kirkwood, Missouri. **Our community forest is a public asset, and the planting, maintenance, and preservation of trees will sustain the well-forested character of the City, which has substantial positive effects on storm water management, air and water quality, erosion prevention, wildlife habitat, noise pollution, energy conservation, and property values.** All regulations and fees are established to protect existing tree canopy and to increase the canopy goals through the City's established interests. All City parks and park-maintained spaces are exempt from this chapter.

§ 24-2. Definitions. [Ord. No. 10825, 9-21-2023]

As used in this chapter, the following terms shall have the meanings indicated:

ADJUSTED DIAMETER — The DBH multiplied by the tree's physical deterioration rating, functional obsolescence, and external obsolescence. For example, if a tree has a DBH of 32 inches in diameter and is in relatively poor health with a physical deterioration of 40%, functional obsolescence of 80%, and external obsolescence of 80% its adjusted diameter is 8.2 inches.

CALIPER — A unit measurement made of young trees for size classification. The caliper measurement is take at the base of the stem just above the root collar.

CANOPY COVERAGE MAP — A map required to meet tree protection guidelines that depicts the total canopy coverage on a lot, as well as impacted canopy and remaining canopy post disturbance.

CERTIFIED ARBORIST — An individual with a valid "certified arborist" designation from the International Society of Arboriculture.

CLEARCUT — **The removal of 4,500 square feet or more of canopy coverage from any individual parcel within a 24-month period. Invasive, undesirable, trees seriously damaged by storms, or trees of less than fair condition shall not be included if evidence of such is provided in advance of any removal to the Urban Forester.**

DBH (Diameter at Breast Height) — The diameter of a tree measured at 4 1/2 feet above ground.

HEADING CUTS — A pruning cut made by reducing the trunk or branches of a tree to stubs or to lateral branches too small to assume the terminal role of the branch being cut.

HERITAGE TREE — **Any Significant Tree eighteen inches in DBH or greater, or a lesser-sized tree of exceptional quality or historic significance as determined by the Urban Forester.**

INVASIVE — ~~Any tree or shrub considered to be foreign or unnatural with the ability to overcome the natural vegetation and expand rapidly throughout the landscape.~~ **Any and all tree or shrub species listed as a Missouri Noxious Weed by the Missouri Department of Agriculture or as invasive by the Missouri Department of Conservation.**

LARGE CANOPY TREE — Any tree with a mature height greater than 45 feet in height and not listed as an invasive or prohibited species.

MEDIUM CANOPY TREE — Any tree with a mature height greater than 30 feet in height and less than 45 feet in height not listed as an invasive or prohibited species.

NEWLY PLANTED TREES — Trees planted for the purpose of meeting the landscaping plan or tree study requirements for development on a site.

PUBLIC TREES — Trees located within the City's paved rights-of-way, excluding trees within the parks.

REMOVAL — The complete removal from the site of all above ground material debris as well as the removal of the stump by either grinding or excavation.

REMOVE — The actual removal or causing the need to remove through damaging, poisoning, or other direct or indirect actions resulting in the death or serious decline of a tree.

SIGNIFICANT TREE — Any tree six inches in DBH or greater in fair or greater condition, excluding invasive species or "undesirable trees."

SMALL CANOPY TREE — Any tree with a mature height greater than 15 feet in height and less than 30 feet in height that is not listed as an invasive or prohibited species.

TOPPING — The pruning practice of reducing the height or spread of a tree using heading cuts.

TREE — A woody plant typically growing as a single stem or a multiple stem in an upright form that will attain a mature height of at least 10 feet and a diameter (DBH) of at least two inches.

TREE MANUAL — A document containing the technical requirements for tree planting, tree selection, tree maintenance, and tree protection as dictated by the City of Kirkwood ~~City of Kirkwood~~ **Kirkwood Urban Forestry Commission**. This document is the City of Kirkwood Tree Manual.

TREE PROTECTION PLAN (TPP) — In reference to a plan written by a certified arborist, to protect the public and/or private trees impacted during activities regulated by § 24-4.

TREE STUDY — In reference to documents as part of a tree protection plan that details the full assessment of the public and private trees in relationship to development. These documents are completed by a certified arborist.

UNDESIRABLE TREE — Any tree classified as invasive or a nuisance by the City of Kirkwood.

§ 24-3. Public trees. [Ord. No. 10825, 9-21-2023]

- (a) Property owner obligations. Trees shall be maintained to meet the City of Kirkwood clearance requirements as outlined in § 16-2, Nuisances enumerated, Subsection (d) of the Kirkwood Code of Ordinances. Permits for satisfying clearance requirements are not required, but no person shall damage, destroy, apply chemicals, remove or prune outside of the obligations contained in § 16-2 without first obtaining a permit from the City's Urban Forester.
- (b) Prohibited acts. It shall be unlawful and an offense of this Code for any person to:
 - (1) Attach any rope, wire, nails, posters, or other contrivance to any public tree.
 - (2) Attach any permanent electrical conductor or apparatus to any public tree.
 - (3) Use tree spurs or climbing spikes on public trees, unless the tree is to be removed.

- (4) Deposit, store, or maintain any equipment or material that reasonably may be expected to impede the free passage of water, air or fertilizer to the roots of any public tree.
 - (5) Cause any gaseous, liquid, or solid substance which because of the nature or amount reasonably may be expected to be toxic or otherwise harmful to public trees to be located where such substances reasonably may be expected to affect public trees.
 - (6) Cause any fire to burn if such fire, or the heat, smoke, or ash there from reasonably may be expected to injure any portion of any public tree.
- (c) Required permits. Any maintenance of public trees, outside of the obligations of property owners set forth above, shall require one of the following permits. Permit fees shall be set forth in accordance with Chapter 5, Article VIII, § 5-208, Schedule on file.
- (1) Permit to maintain.
 - a. Permit to maintain shall be required for maintenance of public trees other than set forth above, including, but not limited to, the following:
 - (i) Injecting with chemical applications;
 - (ii) Applying chemical applications;
 - (iii) Pruning [beyond the owner obligations of § 24-3(a), Property owner obligations];
 - (iv) Cable and bracing; or
 - (v) Adding lightning protection
 - b. A permit to maintain shall only be valid for 30 days after the date of issuance. Tree maintenance shall be performed with care as outlined in the Tree Manual to prevent destruction of structural integrity, health and vigor, and irreversible damage.
 - (2) Permit to remove. If a property owner desires to remove a public tree located in the right-of-way adjacent to their property, the property owner shall apply for a permit to remove. The Urban Forester, or appointed representative, shall review the application and inspect the tree. The review shall result in one of the following:
 - a. If the tree requested for removal is determined to be a hazard, the City will manage the removal. If the tree requested for removal is determined to be a hazard, the City will manage the removal.
 - b. If the tree is determined not to be a hazard, the application will be presented to the Kirkwood Urban Forestry Commission for review.
 - (i) If approved, the Kirkwood Urban Forestry Commission may recommend to the Urban Forester that the adjoining property owner may remove the tree at his/her sole expense. Such recommendations shall be made in writing to the Urban Forester and property owner applying for the permit, and the Urban Forester shall make the final determination.
 - (ii) As a condition for removal, the Kirkwood Urban Forestry Commission may recommend to the Urban Forester that the permit applicant plant a tree of at least two inches caliper of an approved species to be found in the Tree Manual,

or pay a replanting fee in the same manner as allowed in § 24-4(f g)(1).

(iii) The Urban Forester shall determine if the property owner may remove the tree.

(iv) If denied, the tree shall not be removed.

(3) Permit to plant. If a property owner desires to plant a tree in the City right-of-way adjacent to their property, the property owner shall file a permit to plant application. If approved, the following applies:

- a. Upon approval, the applicant shall follow all laws and regulations pertaining to excavation by the state of Missouri;
- b. By obtaining a permit to plant, the permittee shall be exempt from obtaining an excavation permit from the City of Kirkwood on the basis of tree planting; and
- c. All trees planted shall be selected and planted in accordance with the Tree Manual.

(d) Permit conditions.

(1) The Urban Forester may deny the issuance of any permit authorized under this section if, in the sole discretion of the Urban Forester, the issuing of the permit is not in the best interest of the City in maintaining the sustainability and health of the urban forest.

(2) All maintenance performed on public trees shall be completed by a certified arborist, other than maintenance to comply with clearance requirements as set forth above, unless the requirement of a certified arborist is waived by the Urban Forester.

(3) Closure of any street or public right-of-way for performance of work shall be completed in accordance with Chapter 20 of this Code.

(4) In the event of severe storms or other emergency situations resulting in extraordinary situations, the Director of Public Services with the coordination of the Urban Forester, may waive any or all parts of this chapter as deemed necessary.

(e) Authority to Plant Trees in the Right-of-Way

(1) In order to preserve the benefits of Kirkwood's urban tree canopy, the Urban Forester, or their designee, shall have the authority to plant, or direct the planting of, trees, including, but not limited to, the selection of species and planting location within the City of Kirkwood's right-of-way.

ARTICLE II
Tree Preservation and Protection

§ 24-4. Tree preservation and protection. [Ord. No. 10825, 9-21-2023]

- (a) Tree preservation and protection for the City of Kirkwood is required to provide ~~three~~ the following primary functions:
- (1) To keep the foliage canopy and branching structure clear from contact by equipment, materials, and activities.
 - (2) To preserve roots and soil conditions in an intact and non-compacted state.
 - (3) To identify the Tree Protection Zone (TPZ) in which no disturbance to soil or any and all parts of the tree both above ground and below shall be permitted.
 - (4) ~~To encourage the preservation of mature trees that, once removed, can take generations to replace.~~
 - (5) ~~To limit and regulate clearcutting of lots.~~
- (b) A tree protection plan, including a tree study, approved by the Urban Forester, or designee, shall be required for all permits from the Building and/or Engineering Divisions that include:
- (1) All new construction, demolition, excavation, grading, ~~and~~ complete site redevelopment, ~~and clearcutting~~; or
 - (2) All partial site development, including additions or exterior alterations that impact 33% or more of the lot area.
 - (3) If a project with partial site development does not meet the requirements for providing a tree protection plan listed above, but will include grading or other construction activity/impact within 10 feet of a significant tree and/or City tree, tree protection measures will be required to be installed and maintained throughout the project, but no tree study is required.
- (c) ~~A Tree Clearing Permit shall be required when clearcutting trees on private property.~~
- (1) ~~The permit fees shall be the equivalent to \$500.00 per Significant Tree in fair or greater condition proposed for removal, and \$1,000.00 per Heritage Tree in fair or greater condition proposed for removal.~~
 - (2) ~~The tree protection plan, including a tree study, shall be approved by the Urban Forester and fees paid prior to permit issuance.~~
 - (3) ~~The owner or developer shall pay a fee when clearcutting takes place without an approved Tree Clearing Permit. The fee shall be \$2 for every 1 square foot of tree canopy removed. The Urban Forester shall estimate the square footage of canopy coverage removed due to the unpermitted clearcut using the best available aerial imagery, and all tree removals included in the clearcut will be assumed to be in fair or greater condition, unless evidence can be provided to prove otherwise. The owner or developer shall submit~~

an updated tree protection plan.

- (4) All fees shall be placed in a designated fund solely used for the costs associated with tree planting, maintenance, and protection.
- (d) All tree protection plans shall be completed by a certified arborist and must follow the protocols outlined here within. Approval shall be determined upon reasonable efforts to preserve trees on the site as determined by the guidelines set forth below.
 - (1) Tree protection plans will contain the following:
 - a. A site map clearly marking:
 - (i) Proposed improvements;
 - (ii) Trees proposed for removal;
 - (iii) Trees proposed for tree protection, including locations of any and all tree protection methods to be used; and
 - (iv) Trees shall be numbered.
 - b. A tree study, if applicable, that contains the following:
 - (i) An appraisal and assessment of all public trees, trees on the site greater than six inches in diameter, and all trees on neighboring and adjacent property within 10 feet of the property line. This shall include:
 - [a] Tree number.
 - [b] Species name (botanical).
 - [c] Diameter taken at breast height (DBH) and recorded in inches.
 - [d] Physical deterioration:
 - [i] Represented as a percentage value of zero to 100.
 - [e] Functional obsolescence:
 - [i] Represented as a percentage value of zero to 100.
 - [f] External obsolescence:
 - [i] Represented as a percentage value of zero to 100.
 - [g] Comments.
 - [h] Total appraised value represented in U.S. dollars:
 - [i] The appraisal shall be completed by using the Trunk Formula Technique (TFT) from the "Guide for Plant Appraisal, 10th Edition."
 - (ii) Canopy coverage map.
 - [a] A site map clearly marking:
 - [i] Existing canopy coverage of the complete lot.

- [ii] Proposed canopy for removal.
- [iii] Proposed canopy preserved after project completion.
- [iv] Proposed site plan.
- [v] All trees marked and numbered.
- [b] A table showing canopy coverage percentages:
 - [i] Existing canopy coverage of lot.
 - [ii] Post-project completion canopy coverage of lot.
 - [iii] All trees with corresponding numbers and species.
- c. **Signed authorization from adjacent property owners for the following:**
 - (i) **Removal of trees located on a shared property line.**
 - (ii) **Removal of trees located entirely on an adjacent property.**
- (e) Canopy coverage requirements.
 - (1) All single-family lots shall have minimum tree canopy coverage of 350 square feet per 1,000 square feet of lot area (35% coverage).
 - (2) Canopy coverage for existing trees shall be measured as represented in the field. **Heritage Trees to be protected shall be credited 150% of their canopy towards the post-project canopy coverage requirement.** Canopy for newly planted trees shall be estimated using the following rates for species provided in the City of Kirkwood's Recommended Species List.
 - a. Large canopy trees: ~~1,000~~ **750** square feet.
 - b. Medium canopy trees: ~~700~~ **500** square feet.
 - c. Small canopy trees: ~~350~~ **250** square feet.
 - (3) All trees designated to be protected or included in the canopy requirements shall be of a species not listed as a prohibited species in the Tree Manual. Existing trees shall be live, healthy trees over six inches in diameter and in good or fair condition of health. New deciduous trees shall be a minimum of two inches caliper and evergreen trees shall be a minimum of eight feet in height.

Any deciduous or evergreen tree planted for the purpose of screening shall receive 25 square feet of canopy per tree, with a limit of 350 square feet to be included in canopy coverage calculations.
- (f) Tree replacement requirements. The following tree replacement requirements shall apply to projects described in § 24-4(b) unless otherwise noted.
 - (1) Frontage trees. The developer, builder, or home owner shall be required to plant trees in front of the building line but not within the public right-of-way approximately five feet to 10 feet from the public right-of-way along all streets for single-family lot development. The trees shall be provided in a ratio of not less than one tree for every 50 feet of frontage. At street corners, the nearest tree shall be planted a minimum 25 feet

from the intersection of the street right-of-way lines. These trees shall be included in calculating tree canopy coverage requirements in §24-4(d-e).

- (2) Tree density and canopy coverage. If the canopy coverage requirements in §24-4(d e) cannot be met through preservation of existing trees, trees shall be provided to meet said requirement. The tree canopy area shall be shown on the final tree protection plan. Canopy coverage estimates for planted trees shall be drawn in accordance with the canopy sizes for trees shown on the City of Kirkwood's Recommended Species list.

If the site does not allow sufficient space for replanting the required number of trees to meet these canopy coverage requirements, it shall be considered a failure to comply with Chapter 24, Article II; and the developer, builder, or property owner must fulfill these requirements through a replanting fee as described below in §24-4(f g)(2).

- (3) All trees planted as part of tree replacement or canopy coverage requirements are subject to the following specifications:

- a. Tree setback:

- (i) Trees shall not be planted within five linear feet of the property line.
- (ii) If there is a utility easement, no tree shall be planted within 10 linear feet of the center of the easement unless approved by the City of Kirkwood Forestry Division.

- b. Overhead utilities.

- (i) Only small canopy trees are to be permitted within the utility easement with approval of the City of Kirkwood Forestry Division.

- c. Restricted trees for use of canopy coverage.

- (i) Trees planted within the City rights-of-way are not to be included in canopy coverage calculations.

- d. Planting specifications.

- (i) All trees must be planted following the International Society of Arboriculture's Best Management Practices - Tree Planting.

- (ii) All non-biodegradable material shall be removed from the tree. This includes, but is not limited to:

- [a] All rope and twine wrapped around the root ball and/or trunk.

- [b] The top 1/3 of burlap shall be cut and removed from the root ball.

- [c] The top 1/3 of any wire basket shall be cut and removed from the root ball.

- (g) Failure to comply with tree protection plans.

- (1) Any failure to comply with an approved tree protection plan or tree replacement requirements shall be deemed as an offense, and the owner and developer shall be subject to the penalties set forth herein. The failure to protect multiple trees on one site shall constitute a separate and distinct offense for each affected tree.

- (2) ~~Failure to protect trees designated for protection within the approved tree protection plan.~~ If during development or site disturbance, trees designated to be protected are damaged, and it is determined that trees will need to be removed as a result of the damage:
 - a. The builder, developer, or owner shall be required to provide an updated tree study and canopy coverage map; and
 - (i) Replant trees based on the adjusted diameter inch; or
 - (ii) Pay a replanting fee to the City of Kirkwood of ~~\$250~~ \$500 per adjusted diameter inch will be issued for the replacement of the removed trees.
 - b. ~~If the resulting total canopy coverage removed constitutes a clearcut, the builder, developer, or owner shall apply for, and acquire, a Tree Clearing Permit. Failure to acquire the permit may result in the issuance of a stop work order.~~
- (3) Replanting fee. When canopy coverage requirements are not met, developers, builders, or homeowners shall pay a replanting fee to the City of Kirkwood of ~~\$500~~ \$1.33 per 1,000 1 square feet foot of canopy.
- (4) All replanting fees shall be placed in a designated ~~bank account~~ fund solely used for the ~~costs~~ associated with tree planting, maintenance, and protection.

§ 24-4

ARTICLE III
Penalties and Damages

§ 24-4

§ 24-5

§ 24-5. Violations and penalties; damages. [Ord. No. 10825, 9-21-2023]

- (a) Failure to comply with the provisions of this chapter shall be considered a municipal offense, and the City may take actions in accordance with Chapter 1, Article I, § 1-8, Violations and Penalties, of the Code of Ordinances of the City.
- (b) Appraised value for damages and violations of any provision of this chapter shall be determined by the Urban Forester using the latest revision of the "Guide for Plant Appraisal" as published by the International Society of Arboriculture.

Impact of the Tree Clearing Permit on (60) Recent Tree Studies

#	Address	Sqft	Acre	Canopy coverage existing	Canopy coverage existing (sqft)	Canopy coverage removed	Square footage of canopy removed	Trigger Sqft	Clearcut?	Tree Clearing Permit Fees	# of Trees Removed
2	531 N Crescent	24,829	0.57	75%	18,514	80%	14,815	4,500	CLEARCUT	\$ 13,500	17
3	421 S Harrison Ave	24,000	0.55	46%	11,040	74%	8,170	4,500	CLEARCUT	\$ 14,500	16
32	90 Wildwood Ln	10,089	0.23	71%	7,167	100%	7,167	4,500	CLEARCUT	\$ 7,500	8
37	582 Drury Ln	8,790	0.20	76%	6,686	100%	6,686	4,500	CLEARCUT	\$ 6,500	8
14	633 Norton Ave	14,296	0.33	50%	7,123	76%	5,429	4,500	CLEARCUT	\$ 4,500	6
10	444 Iris Ln	15,932	0.37	61%	9,719	73%	6,095	4,500	CLEARCUT	\$ 6,000	9
50	810 Nirk Ave	7,650	0.18	96%	7,375	97%	7,161	4,500	CLEARCUT	\$ 6,000	6
5	418 S Taylor Ave	19,890	0.46	85%	16,907	40%	6,287	4,500	CLEARCUT	\$ 6,500	10
1	472 Oakshire Ln	28,500	0.65	26%	7,383	48%	3,572	4,500			
8	1233 Missouri Ave	16,433	0.38	8%	1,315	4%	50	4,500			
19	530 S Clay Ave	12,600	0.29	18%	2,268	100%	2,268	4,500			
12	812 Cleveland Ave	14,800	0.34	7%	1,036	0%	-	4,500			
16	417 BACH AVE	13,143	0.30	6%	789	27%	213	4,500			
26	414 Monroe Pl	11,326	0.26	20%	2,265	100%	2,265	4,500			
28	1225 Simmons Ave	11,300	0.26	4%	412	100%	412	4,500			
11	1112 Missouri Ave	15,910	0.37	28%	4,455	55%	2,450	4,500			
34	133 Manlyn Dr	9,835	0.23	33%	3,246	100%	3,246	4,500			
4	601 Coulter Ave	20,266	0.47	20%	4,053	9%	365	4,500			

Clearcut Provision Option	Minimum Lot Size (acres)	Minimum Existing Canopy Coverage (%)	Canopy Coverage Removed (%)	Canopy Coverage Removed (sqft)	Tree Studies Impacted (out of the last 60)	Notes
A	0.17	50%	50%	1,851	11	For 0.17 acre lots, the removal of 1,851 sqft of canopy coverage may only be about 2 or 3 trees. A 1 acre lot could remove 10,889 square feet of canopy coverage without a permit, which may be about 14 trees.
B	0.17	50%	75%	2,777	6	For 0.17 acre lots, the removal of 2,777 sqft of canopy coverage may only be about 3 trees. A 1 acre lot could remove 16,334 square feet of canopy coverage without a permit, which may be about 18 or more trees.
C	0.20	50%	50%	2,178	9	For 0.20 acre lots, the removal of 2,178 sqft of canopy coverage may only be about 2 or 3 trees. A 1 acre lot could remove 10,889 square feet of canopy coverage without a permit, which may be about 14 trees.
D	0.20	50%	75%	3,267	5	For 0.20 acre lots, the removal of 3,267 sqft of canopy coverage may only be about 4 trees. A 1 acre lot could remove 16,334 square feet of canopy coverage without a permit, which may be about 18 or more trees.
E	0.25	50%	50%	2,723	5	For 0.25 acre lots, the removal of 2,723 sqft of canopy coverage may only be about 3 trees. A 1 acre lot could remove 10,889 square feet of canopy coverage without a permit, which may be about 14 trees.
F	0.25	50%	75%	4,084	2	For 0.25 acre lots, the removal of 4,084 sqft of canopy coverage may be about 4 to 5 trees. The percentage thresholds miss most of the tree removal in the last (60) tree studies, which may be about 18 or more trees.
G	-	-	-	4,500	8	Removal of 4,500 sqft of canopy coverage may be about 5 to 6 trees. Least burdensome to smaller lots while recovering the most benefit loss from removing mature trees. Easiest for permit applicant to calculate. Eliminates possibility of significant loss of trees without permit fees recovering the loss benefit.

Definitions

Minimum Lot Size (acres) - The smallest lot size that would require a Tree Clearing Permit

Minimum Existing Canopy Coverage (%) - The existing canopy coverage of the lot before removal. Calculated by dividing the square footage of existing trees by the lot size.

Canopy Coverage Removed (%) - The amount of canopy coverage removed. Calculated by dividing the square footage of removed canopy coverage by the existing canopy coverage.

Canopy Coverage Removed (sqft) - The amount of canopy coverage removed. Calculated by multiplying the canopy coverage removed (%) by the product of lot size and existing canopy coverage.

Tree Studies Impacted - Out of (60) reviewed tree studies, this is the amount of projects that would be impacted by the proposal.