



## City of Smithville, Missouri

### Board of Aldermen - Work Session Agenda

September 21, 2021

**5:15 p.m. – City Hall and Via Videoconference\*\*\***

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**NOTICE:** \*Due to the Health Officer's orders for safety, public meetings and public comment during public meetings will require modification. The City of Smithville is committed to transparent public meetings and will continue this commitment during the COVID-19 crisis. Anyone who wishes to view the meeting may do so in real time as it will be streamed live on the city's FaceBook page through FaceBook Live.

For Public Comment, please email your request to the City Clerk at [ldrummond@smithvillemo.org](mailto:ldrummond@smithvillemo.org) prior to the meeting to be invited via Zoom.

1. Call to Order
2. Adjournment to Executive Session Pursuant Section 610.021(1)RSMo.  
Reconvene Work Session 5:30 p.m.
3. COVID Response Discussion
4. Discussion of Park Land Use
5. Discussion of Ward Boundaries
6. Adjourn

Join Zoom Meeting  
<https://us02web.zoom.us/j/87283620779>

Meeting ID: 872 8362 0779  
Passcode: **797830**





## Board of Alderman Request for Action

**MEETING DATE:** 9/21/2021

**DEPARTMENT:** Administration

**AGENDA ITEM:** Adjournment to Executive Session Pursuant of Section 610.021(1) RSMo.

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**RECOMMENDED ACTION:**

A motion to close the work session for the purpose of discussing legal matters pursuant to Section 610.021(1) RSMo.

**SUMMARY:**

To allow the Board of Aldermen to adjourn to Executive Session to discuss legal matters.

**PREVIOUS ACTION:**

N/A

**POLICY ISSUE:**

The Board of Alderman will vote to close part of this meeting at the beginning of the Board of Alderman Work Session Pursuant Section 610.021(1) RSMo. This Executive Session will be conducted via videoconference.


**FINANCIAL CONSIDERATIONS:**

Click or tap here to enter text.

**ATTACHMENTS:**

- |                                       |                                   |
|---------------------------------------|-----------------------------------|
| <input type="checkbox"/> Ordinance    | <input type="checkbox"/> Contract |
| <input type="checkbox"/> Resolution   | <input type="checkbox"/> Plans    |
| <input type="checkbox"/> Staff Report | <input type="checkbox"/> Minutes  |
| <input type="checkbox"/> Other:       |                                   |



	<div>STAFF</div> <div>REPORT</div>
<b>Date:</b>	September 16, 2021
<b>Prepared By:</b>	Cynthia Wagner, City Administrator
<b>Subject:</b>	Personnel Procedures and Protocols Relating to COVID19

At the September 7, 2021 Board of Aldermen meeting, the Board directed staff to prepare information relating to current response to the COVID pandemic for review and discussion. Specifically, the Board requested staff provide information to assist Board discussion relating to vaccine requirements for city employees.

### *Current Employee Requirements*

#### *Masks*

Staff throughout the organization is currently required to wear masks as outlined below. This requirement was instituted in August as case numbers continued to rise and the CDC revised masking recommendations.

Masks are required:

- At all times outside of an employee's immediate, individual work area.
- When directly interacting with the public indoors.
- In common areas of the building accessible to the public (such as hallways, restrooms, etc.)
- When indoors and 6 feet of social distancing is not possible.
- When more than one person is in a vehicle.

Masks are not required:

- In work areas where there is no public contact and social distancing is possible.
- When working outside and six feet of distance can be maintained. It is requested that staff remain cognizant of public interactions that may dictate the need for a mask.

#### *Meetings*

At the same time masking requirements were re-instituted, direction relating to meetings was also conveyed to employees:

- Virtual meetings should be strongly considered in lieu of in-person meetings, whenever possible.
- If group meetings are held, masks should be worn.

### *Vaccination*

Currently, no requirements relating to vaccination are in effect. Staff has been allowed to take work time to receive vaccinations and use administrative time in the case of adverse reactions.

### *Leave Time*

Administrative Leave time to cover employee sick time was extended to mid-summer. It has since been discontinued: any employee testing positive is required to use their own accumulated time to cover time out of the office relating to testing or quarantine/isolation due to a positive result or illness. The City continues to follow CDC guidelines relating to quarantine: if an unvaccinated employee has a "close exposure" they are asked to quarantine; vaccinated employee with a "close exposure" are not asked to quarantine.

### ***Smithville Employee Vaccination Status***

Department directors have inquired of each employee to determine vaccination status. As outlined below, 63% of employees are currently vaccinated. This includes one permanent part-time employee. As a point of reference, staff consulted the State of Missouri COVID19 Dashboard to determine vaccination rates in Clay County and statewide. Per the site, as of Thursday, September 16, 37.5% of Clay Countians and 46.6% of Missourians have been fully vaccinated.

	<u>Total Number of Employees</u>	<u>Number of Employees Vaccinated</u>	<u>Percentage Vaccinated</u>
Administration/Finance	7	5	71%
Development Services	5	5	100%
Parks and Recreation	5	1	20%
Police	18	11	61%
Public Works	<u>21</u>	<u>13</u>	62%
	56	35	63%

In discussions with staff, where they were comfortable providing information, a handful of employees have indicated that they have plans to be vaccinated, but have not yet received the first dose. Another small group indicated an incentive may make a slight difference in their decision. A final small group indicated they would seriously consider quitting if a vaccine mandate were instituted.

### ***Responses in Other Communities***

Staff has reached out to communities around the metro and across the state of Missouri via the City Clerk's listserv, Missouri City Managers Association listserv and through a public employer human resources professional email group. A compilation of that information is attached.

Most communities are taking limited steps. Some continue to require masks in public buildings, many have discontinued mask requirements. In Platte City, mask requirements have been lifted for vaccinated employees to encourage vaccination (in Platte City the vaccination rate is more than 90% among employees).

While Jackson County and Johnson County, Kansas have mandated vaccines, no other city employer in the metro have implemented vaccine mandates. Two communities on the St. Louis side have adopted vaccine mandates: Maryland Heights and Websters Grove. Copies of the policies are included in the agenda packet. Both communities require employees provide proof of full vaccination or approval of a qualified medical or religious exemption or be terminated. These requirements were adopted in August and take effect at the end of September. In Maryland Heights, if an exemption is granted, the exempted employee must wear a facemask at work at all times and be tested every 14 days.

A few communities are providing wellness incentives for vaccination, and some have sponsored vaccine clinics for employees and the community.

### ***Legal Considerations***

In review of various approaches to pandemic response, staff has consulted with legal staff and have the following information to share relating to vaccine incentives and mandates.

In review of case law and federal and state regulations, mandates are probably more clearly protected at this time than other types of response. In *Jacobson v. Massachusetts* in 1905, the Supreme Court ruled that local health authorities could compel adults to receive the smallpox vaccine.

Use of incentives for vaccination may be more problematic from a legal perspective.

There are considerations if mandating vaccines:

- Employer must pay for the vaccine and the time to get the vaccine.
- If an employee has a negative reaction, it likely it would be considered a worker's compensation claim.

- If employees opt out and there is a requirement of testing, employer must pay cost of testing.
- Employers DO have the ability to distinguish by employee groups (based on public contact, could require some groups to vaccinate but not others).
- If implementing a mandate, clear guidelines (exemptions, timelines, requirements, what proof required, etc.) are necessary.
- The question of unemployment eligibility relating to employees who are fired for failure to comply with a mandate.

### ***Other Considerations***

In review of additional possible action, other information to consider includes:

- One option for consideration could be to provide incentives other than monetary for those who are vaccinated:
  - Masking requirements could be lifted for employees who provide proof of vaccination while maintaining requirements for unvaccinated employees. (Vaccinated employees could choose to wear masks as their comfort level dictates.)
  - Leave time to cover quarantine or treatment requirements could be made available for vaccinated employees who test positive. Unvaccinated employees who test positive or have to quarantine would still be required to use accrued sick or vacation time.
- Staff could provide educational opportunities for employees by inviting medical professionals to attend sessions to present information and answer questions/respond to misinformation relating to the vaccine.
- Staff could work with local entities providing vaccinations to target city employees to increase vaccination rates.
- Work to disincentivize remaining unvaccinated (like Platte City, continue to require masking for unvaccinated, but leave masking a choice for vaccinated employees)
  - Masking requirements
  - Leave time
- Staff continues to monitor implications of President Biden's recent order.

### ***Board Questions/Considerations***

Following the September 7 meeting, Board members have reached out with questions on this issue, some have been covered here while others merit discussion among the Board as a whole in review of this topic.

- What percentage of employees are vaccinated? (Included above.)
- Could we survey/discuss with employees their thoughts? (In determining vaccination status, department directors spoke with staff and information they were willing to share is synthesized above.)

- What are other cities doing? (Outlined above and in the attached information.)
- Is there any public outcry over this?
- If an employee can't get the vaccine, what accommodations will be made if the employee works with the public? If an accommodation can't be made, will the employee be terminated?
- If an employee suffers significant side effects from the vaccine, will employees be compensated for sick time if they are out of time or have not yet accumulated enough time.
- If a mandate is imposed, will we become short staffed? Will we be able to get applicants?
- Can we revisit a mandate (especially if employee staffing is affected)?

***Action Requested/Recommended***

This information is presented for Board review, discussion and, if appropriate, direction. Legal staff will be present to address questions which may arise during discussion.

## COVID Response of Area Communities

Source: area Human Resources professionals, city clerks list serv and Missouri City Management Association Listserv.

(Questions were specifically directed to vaccination - mask information is provided if offered by entity.)

	<b>Masking Requirements</b>	<b>Vaccinations Required?</b>	<b>Vaccinations Incentivized?</b>	<b>Other Response or Information</b>
<b>Belton, MO</b>		no		
<b>Gallatin, MO</b>		no	no	
<b>Gardner, KS</b>	no	no		
<b>Gladstone, MO</b>		no	no	
<b>Grandview, MO</b>	Yes all employees and visitors - in City Hall and all indoor city facilities.	no	Encouraged but no incentives.	Have increased frequency of cleaning cycles. Installed ionization and UV lights in HVAC at City Hall. Have held more than 20 free vaccination clinics at City Hall for the public and employees.
<b>Independence, MO</b>		no	no	Currently reviewing possible incentives, no decision.
<b>Kearney, MO</b>	no	no	no	If determined Presidential order requires mandate, will comply.
<b>Lawson, MO</b>		no	no	Per clerk "most of our employees are vaccinated."
<b>Leawood, KS</b>		no	Two hours compensation for each dosage (boosters not included).	

<b>Lenexa, KS</b>	no	no	Wellness points for proof of vaccination (wellness points count toward earned health insurance premium reductions).	
<b>Liberty, MO</b>	no current requirements	no	no	Awaiting details of preidential announcement to determine applicability.
<b>Malden, MO</b>		no	no	Encourage vaccinations by hosting local vaccine clinics through health department.
<b>Marshfield, MO</b>				Repealed state of emergency declaration. Moving away from remote meetings to in person.
<b>Maryland Heights, MO</b>		yes		Policy adopted in August (included in packet materials). Requires full vaccination by September 30, 2021 or obtain medical or religious exemption. Those exempted are required to wear a mask at all times during work hours and be tested every 14 days.



<b>Mission, KS</b>	To be worn in all public places and when interacting with other employees; visitors to city facilities are encouraged to wear masks, but not mandated.			One board member has requested discussion of a vaccine mandate, but none has occurred to date.
<b>North Kansas City, MO</b>		no		
<b>O'Fallon, MO</b>		no	no	
<b>Otterville, MO</b>				Board adopted Resolution authorizing up to 80 hours of emergency sick leave for vaccinated employees who experience illness or absences due to quarantine orders. (Resolution attached.)
<b>Owensville, MO</b>		no	no	
<b>Parkville, MO</b>		no	no	
<b>Platte City, MO</b>	Masks not required for vaccinated staff (exception when interacting with public, required at that time.) Masks required for unvaccinated staff. Masks are required in City Hall Lobby by the public.		\$125 wellness incentive for vaccination.	No vaccine mandate, however non-vaccinated employees must work with non-vaccinated staff, requiring change of shifts. 29 of 31 full-time employees are vaccinated.

<b>Pleasant Valley, MO</b>	yes			Social distancing and restricting direct contact with other departmental staff on an as needed basis.
<b>Prairie Village, KS</b>		no		
<b>Raymore, MO</b>		no		Unvaccinated employees are not allowed to attend in person conferences at this time.
<b>Raytown, MO</b>		no		Offer up to two hours of compensation for time needed to get vaccinations.
<b>Riverside, MO</b>		no		Extended FFCRA hours 45 days past date of vaccine eligibility for vaccinated employees. Approximately 75% of staff is vaccinated.
<b>Shawnee, KS</b>		no	no	
<b>Sikeston, MO</b>		under review	\$200 incentive for all full time employees who have been fully vaccinated. \$100 incentive for part time and seasonal employees fully vaccinated. If vaccine mandated at any point, incentive will be discontinued.	City Hall closed after every unvaccinated employee in a department tested positive within a week of one another. Continue to offer 2 weeks of administrative leave for employees who test positive for COVID to ensure people stay home when sick.
<b>Springfield</b>		not at this time		

<b>St. Joseph, MO</b>	no	no	8 hours of PTO to those who were vaccinated by August 31, 2021 and provide vaccination cards as proof.	
<b>Valley Park, MO</b>		no	no	Encourage vaccinations by hosting local vaccine clinics through health department.
<b>Webb City, MO</b>		no	no	Encourage vaccinations by hosting local vaccine clinics through health department.
<b>Webster Groves, MO</b>		yes		Policy adopted in August (included in packet materials). Requires full vaccination by October 1, 2021 or obtain medical or religious exemption.
<b>West Plains, MO</b>		no	no	

Sponsored by: Mayor Moeller

**RESOLUTION NO. 2021-1339**

**A RESOLUTION ADOPTING A POLICY REQUIRING EMPLOYEES OF THE CITY OF MARYLAND HEIGHTS TO BE VACCINATED AGAINST THE COVID 19 VIRUS**

**Whereas**, the City of Maryland Heights provides municipal services in a safe setting to attract and retain residents, businesses, and hospitality venues, as well as providing a safe environment for its municipal employees; and


**Whereas**, Covid 19 is an illness that is caused by the coronavirus and the Center for Disease Control and Prevention has recommended getting a Covid 19 vaccine as soon as possible as well as wearing a mask, practicing social distancing and avoiding crowds and poorly ventilated areas; and

**Whereas**, the City has a duty to provide a workplace that is free of recognized hazards and is therefore adopting a policy to protect city employees, residents and visitors to both the Government and Community Centers as well as those participating in programs at City facilities.


**NOW THEREFORE**, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARYLAND HEIGHTS, MISSOURI, AS FOLLOWS:

**RESOLVED**, that all city employees will comply with the provisions of the COVID-19 VACCINATION POLICY as attached hereto and incorporated herein, marked Exhibit A, or provide the required documentation to request an accommodation for medical or religious exemption, attached hereto and marked Exhibits B and C, as outlined in the Accommodation Procedure for Covid-19 Vaccine, which may be obtained from the Human Resources Manager.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR THIS 19<sup>TH</sup> DAY OF AUGUST 2021.

  
MAYOR

ATTEST:

  
CITY CLERK



## **COVID-19 VACCINATION POLICY**

The City of Maryland Heights (the “City”) provides municipal services in a safe and appealing setting in order to attract and retain residents committed to our city, thriving businesses, and premier hospitality venues. The City plays a critical role in maintaining a functioning municipality and has a special responsibility to continue operations during this pandemic.

COVID-19 is an illness that is caused by the coronavirus. In order to stop or slow the spread of the coronavirus, the Centers for Disease Control and Prevention (“CDC”) recommends getting a COVID-19 vaccine as soon as you can, wearing a mask that covers your nose and mouth to help protect yourself and others, staying six feet apart from others, avoiding crowds and poorly ventilated spaces, and washing your hands.

Consistent with the City’s duty to provide and maintain a workplace that is free of recognized hazards, the City is adopting the policy set forth below to safeguard the health and well-being of employees and their families, residents and visitors, and the community at large from infectious conditions that may be mitigated through an effective vaccination program. This policy is intended to comply with all federal, state and local laws, and is based upon guidance by the CDC and public health and licensing authorities, as applicable.

### ***Policy***

Before September 30, 2021, all City employees must either:

- (1) establish that they have received immunization (consisting of either: (a) two vaccine doses of a two-dose series COVID-19 vaccine, such as the Pfizer or Moderna vaccines; or (b) one vaccine dose of a single-dose COVID-19 vaccine, such as Johnson & Johnson’s Janssen vaccine,
- (2) obtain an approved exemption as an accommodation. The process for seeking an accommodation is explained below.

Employees must also obtain any boosters that may be required to maintain immunization.

Failure to comply with one of the two requirements listed above will result in termination of employment.

To establish that they have received immunization, employees must provide a copy of their COVID-19 Vaccination Record Card to the City. The City will assist employees in accessing immunizations at no cost to the employee.

### ***Requests for Accommodations***

To assist any employee who might need an accommodation, the City will engage in an interactive process to determine if a reasonable accommodation can be provided so long as it does not

create an undue hardship for the City and/or does not pose a direct threat to the health or safety of others in the workplace and/or to the employee.

Any employee who is granted an accommodation shall wear a mask at all times during work hours and shall be tested for Covid every 14-days.

To request an accommodation, please notify the Human Resources Manager in writing at dhamilton@marylandheights.com. Once the City is aware of the need for an accommodation, the City will engage in an interactive process to identify possible accommodations.

***Confidentiality of Medical and Religious Information***

The City treats all medical information, including vaccination status, as a confidential medical record and all reasonable precautions will be taken to prevent inappropriate disclosure of medical and religious information according to applicable laws. All information submitted by employees relating to their religious beliefs will be treated as a confidential personnel document.

Employees are not being asked and should not provide any records that include any genetic information with either their proof of vaccination or request for accommodation. Genetic information includes an individual's family medical history, the results of an individual's or family member's genetic tests, or the fact that an individual or an individual's family member sought or received genetic services.

**Acknowledgement of Receipt and Understanding**

By signing below, I represent that I received a copy of the City's COVID-19 Vaccination Policy, which will be implemented at no expense to me. I understand that it is my responsibility to read, understand, and comply with the City's COVID-19 Vaccination Policy.

I understand that failure to comply with the City's COVID-19 Vaccination Policy will result in the termination of my employment.

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Print Name

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(Date)

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Signature



## **Request for Medical Exemption/Accommodation**

### **Related to COVID-19 Vaccine**

The City of Maryland Heights (the “City”) is committed to providing equal employment opportunities without regard to any protected status and a work environment that is free of unlawful harassment, discrimination, and retaliation. As such, the City is committed to complying with all laws protecting individuals with disabilities or medical conditions. When requested, the City will provide an exemption/reasonable accommodation for any known medical condition or disability of a qualified individual which prevents the employee from receiving a COVID-19 vaccine, provided the requested accommodation is reasonable and does not create an undue hardship for the City and/or pose a direct threat to the health or safety of others in the workplace and/or to the requesting employee.

To request an Exemption/Accommodation related to the City’s COVID-19 Vaccination Policy, please complete Part 1 of this form, have your healthcare provider complete Part 2 (the certification portion), and return them to the Human Resources Manager. This information will be used by the Human Resources Department to engage in an interactive process to determine whether an employee is eligible for such exemption/accommodation and if so, to determine the reasonable accommodations which can be provided that would enable the employee to perform the essential functions of their position without posing a threat of harm to self or others. If an employee refuses to provide such information, the employee’s refusal may impact the City’s ability to adequately understand the employee’s request or to effectively engage in the interactive process to identify possible accommodations.

Medical exemptions/accommodations for the COVID-19 vaccine will be considered if the employee provides a written certification by a licensed, treating medical provider (a physician (MD or DO), nurse practitioner (NP), or physician’s assistant (PA), of one of the following:

1. The applicable CDC contraindication for the COVID-19 vaccine; **or**
2. The applicable contraindication found in the manufacturer’s package insert for the COVID-19 vaccine; **or**
3. A statement that the physical condition of the person or medical circumstances relating to the person are such that immunization is not considered safe, indicating the specific nature and probable duration of the medical condition or circumstances that contraindicate immunization with the COVID-19 vaccine.



***Part 1 – To Be Completed by Employee:***

**Name:** \_\_\_\_\_

**Date of Request:** \_\_\_\_\_

**Verification and Accuracy**

**I verify that the information I am submitting in support of my request for an accommodation is complete and accurate to the best of my knowledge, and I understand that any intentional misrepresentation contained in this request may result in disciplinary action up to and including the termination of my employment.**

**I understand that my request for an accommodation may not be granted if it is not reasonable, if it poses a direct threat to the health and/or safety of others in the workplace and/or to me, or if it creates an undue hardship on the City.**

**I also understand that if an accommodation is granted, I must wear a mask at all times during work hours and be tested for Covid-19 every 14-days.**

**Signature:** \_\_\_\_\_

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

**Print Name:** \_\_\_\_\_

***Part 2 – To Be Completed by Employee’s Medical Provider:***

Company Name: \_\_\_\_\_

Employee Name: \_\_\_\_\_

Attention Medical Provider: \_\_\_\_\_

The City requires a COVID-19 vaccination as a condition of employment. The above-named employee is requesting an exemption from this vaccination requirement. A medical exemption from the COVID-19 vaccination may be allowed for certain recognized contraindications.

Please complete the form below. Should you have any questions, please contact \_\_\_\_\_ . Thank you.

**The above person should not be immunized for COVID-19 for the following reasons (please check all that apply):**

- ☐ History of previous allergic reaction to indicate an immediate hypersensitivity reaction to a component of the vaccine.
- ☐ The physical condition of the person or medical circumstances relating to the person are such that immunization is not considered safe. Please indicate the specific nature and probable duration of the medical condition or circumstances that contraindicate immunization with the COVID-19 vaccine: \_\_\_\_\_  
\_\_\_\_\_
- ☐ Other – Please provide this information in a separate narrative that describes the exemption in detail: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I certify that \_\_\_\_\_ has the above contraindication and request a medical exemption from the COVID-19 vaccination.

Medical Provider Signature: \_\_\_\_\_

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

Print Name: \_\_\_\_\_

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

Phone number: \_\_\_\_\_

***Part 3 – To be completed by Human Resources Department***

**Date this Request Form was Received by Human Resources:** \_\_\_\_\_

**Interactive Discussion Date(s) if applicable:** \_\_\_\_\_

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**Exemption/Accommodation granted?** \_\_\_\_\_ **Yes** \_\_\_\_\_ **No**

**Describe Exemption/Accommodation:** \_\_\_\_\_

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**If Exemption/Accommodation granted, list required alternative safety precautions required:** \_\_\_\_\_

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**If Exemption/Accommodation not granted, explain why:** \_\_\_\_\_

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**Name of Representative:** \_\_\_\_\_

**Signature of Representative:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## **Request for Religious Exemption/Accommodation**

### **Related to COVID-19 Vaccine**

The City of Maryland Heights (the “City”) is committed to providing equal employment opportunities without regard to any protected status and a work environment that is free of unlawful harassment, discrimination, and retaliation. As such, the City is committed to complying with all laws protecting employees’ religious beliefs and practices. When requested, the City will provide an exemption/reasonable accommodation for employees’ religious beliefs and practices which prohibit the employee from receiving a COVID-19 vaccine, provided the requested accommodation is reasonable and does not create an undue hardship for the City or pose a direct threat to the health and/or safety of others in the workplace and/or to the requesting employee.

To request an Exemption/Accommodation related to the City’s COVID-19 Vaccination Policy, please complete this form and return it to the Human Resources Manager. This information will be used by the Human Resources Department to engage in an interactive process to determine eligibility for, and to identify, possible accommodations. If an employee refuses to provide such information, the employee’s refusal may impact the City’s ability to adequately understand the employee’s request or effectively engage in the interactive process to identify possible accommodations.

***Part 1 – To Be Completed by Employee:***

**Name:** \_\_\_\_\_

**Date of Request:** \_\_\_\_\_

**Please explain below why you are requesting an Exemption/Accommodation:**

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In some cases, the City will need to obtain additional information and/or documentation about your religious practice(s) or belief(s). We may need to discuss the nature of your religious belief(s), practice(s), and accommodation with your religion's spiritual leader (if applicable) or religious scholars to address your request for an exemption.

**If requested, can you provide documentation to support your belief(s) and need for an accommodation?** \_\_\_\_\_ Yes \_\_\_\_\_ No

**If no, please explain why:**

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**Verification and Accuracy**

**I verify that the information I am submitting in support of my request for an accommodation is complete and accurate to the best of my knowledge, and I understand that any intentional misrepresentation contained in this request may result in disciplinary action up to and including the termination of my employment.**

**I understand that my request for an accommodation may not be granted if it is not reasonable, if it poses a direct threat to the health and/or safety of others in the workplace and/or to me, or if it creates an undue hardship on the City.**

**I also understand that if an accommodation is granted, I must wear a mask at all times during work hours and be tested for Covid-19 every 14-days.**

**Signature:** \_\_\_\_\_

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

**Print Name:** \_\_\_\_\_



***Part 2 – To be completed by Human Resources Department***

**Date this Request Form was received by Human Resources:** \_\_\_\_\_

**Interactive Discussion Date(s) if applicable:** \_\_\_\_\_

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**Exemption/Accommodation granted?** \_\_\_\_\_ **Yes** \_\_\_\_\_ **No**

**Describe Exemption/Accommodation:** \_\_\_\_\_

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**If Exemption/Accommodation granted, list required alternative safety precautions required:** \_\_\_\_\_

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**If Exemption/Accommodation not granted, explain why:** \_\_\_\_\_

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**Name of Representative:** \_\_\_\_\_

**Signature of Representative:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**RESOLUTION #2021-44**

**AMENDING PERSONNEL POLICY 6.14 TO REPLACE CURRENT POLICY WITH A  
NEW POLICY REQUIRING COVID VACCINATION FOR ALL EMPLOYEES WITH  
LIMITED EXCEPTION AND AUTHORIZING OTHER  
PUBLIC HEALTH MITIGATION MEASURES**

**WHEREAS**, the City of Webster Groves has a duty to provide and maintain a workplace that is free of recognized hazards and desires to create policy to safeguard the health and well-being of employees and their families, our customers and visitors, others who spend time in our facilities, and the community from the risks associated with COVID-19; and

**WHEREAS**, the Delta variant of COVID-19 is prevalent and a significant public health danger and risk to the workforce and public of Webster Groves; and

**WHEREAS**, government entities, local businesses, and other organizations have adopted vaccine and face covering mandates to help protect their workforce and public or patrons; and

**WHEREAS**, compulsory vaccinations have been repeatedly ruled constitutional by the United State Supreme Court including in the seminal case, *Jacobson v. Massachusetts*.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WEBSTER GROVES**, the attached policy requiring vaccination as a condition of employment in Webster Groves with limited exception and authorizing other public health mitigation measures, entitled Exhibit A, be adopted to replace current Personnel Policy 6.14, and shall be effective immediately.

ADOPTED this 17<sup>th</sup> day of August 2021.

Gerry Helich  
Mayor

ATTEST:

[Signature]  
City Clerk



EXHIBIT A

<b>Policy 6.14:</b>	<b>Mandatory COVID-19 Vaccination &amp; Face Coverings</b>
Purpose:	To explain in summary format the City's policy on requiring all employees be vaccinated for COVID-19, and all subsequent boosters, as they are made available.
Scope:	All employees, unless noted.

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A. POLICY PURPOSE

1. Consistent with a duty to provide and maintain a workplace that is free of recognized hazards, the City of Webster Groves adopts this policy to safeguard the health and well-being of employees and their families, our customers and visitors, others who spend time in our facilities, and the community from the risks associated with COVID-19.

B. REQUIRED VACCINATIONS

1. By October 1, 2021, all employees, not including elected officials, of the City are required to either (a) establish that they have been fully vaccinated; or (b) obtain a qualified medical or religious exemption.
  - a. New employees to the City shall be subject to the provisions in (B)(1) on their scheduled first day of work.
  - b. For purposes of this policy, an employee is considered fully vaccinated two weeks after receiving the second dose of a two-dose vaccine or one dose of a single-dose vaccination.
2. All employees, not including elected officials, shall receive any FDA approved booster shot for a COVID vaccine, within fourteen (14) days of availability for the individual employee.
3. To establish that they are fully vaccinated, employees are required to present a completed COVID-19 Vaccination Record to the Human Resources Manager.

C. VACCINE ADMINISTRATION

1. Employees are responsible for scheduling and obtaining all recommended doses of an FDA-approved COVID-19 vaccine or a COVID-19 vaccine granted Emergency Use Authorization by the FDA. Employees may obtain the vaccine during regularly scheduled work hours. The City will compensate employees for this time. Your supervisor must approve your leave during working hours to minimize business interruptions.

D. FACE COVERINGS

1. The City Manager may enact a range of face-covering (mask) requirements on City property as necessary to provide for the health and welfare of the City workforce and the public. These requirements shall have the force of City policy and be required of any person entering City property. These requirements shall be communicated to employees and the public through email and postings.

E. REQUEST FOR EXEMPTION

1. Medical: If an employee believes that they have a qualifying medical diagnosis that is exempt from vaccination, it is the employee's responsibility to provide proof of exemption from a qualified physician. As science and

## EXHIBIT A

vaccinations evolve, employees may be requested to provide updated medical exemptions. To request a medical exemption related to this policy, an employee must fully complete the form in Appendix A following this policy.

2. Religious: If an employee believes that they have a qualifying religious exemption, it is the employee's responsibility for presenting proof of exemption to Human Resources. To request a religious exemption related to this policy, an employee must fully complete the form in Appendix B following this policy.
3. Exemptions shall be subject to review and determination of compliance by the City Manager, with the counsel of the City Attorney. Decisions of the Manager shall be final.

### F. NON-COMPLIANCE

1. Any employee who does not demonstrate proof of vaccination and/or does not provide proof of exemption, shall be subject to termination.
2. Any employee who does not comply with face-covering requirements, shall be subject to termination.

### G. POLICY CHANGES

1. This policy relies upon health and safety guidelines generated by the Centers for Disease Control. This policy is subject to change as those guidelines change and as is necessary to protect the health and safety of the employees and residents of the City of Webster Groves. Employees will be notified by email from the City Manager of any change in policy when appropriate which shall have the effect of policy until such time as the Council may act.



**Appendix A- Request for Medical Exemption from COVID-19 Vaccination**

This request contains two parts, both are required.

*Part 1 – To Be Completed by Employee*

I verify that the information I am submitting in support of my request for an exemption is complete and accurate to the best of my knowledge, and I understand that any intentional misrepresentation contained in this request may result in disciplinary action. I also understand that my request for an exemption may not be granted if it is not reasonable, if it poses a direct threat to the health and/or safety of others in the workplace and/or to me, or if it creates an undue hardship on the City.

Employee Name: \_\_\_\_\_

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

*Part 2 – To be completed by Employee's Medical Provider*

Employee Name: \_\_\_\_\_

Attention Medical Provider: The City of Webster Groves, Missouri requires a COVID-19 vaccination as a condition of employment. The above-named employee is requesting an exemption from this vaccination requirement. A medical exemption from the COVID-19 vaccination may be allowed for certain recognized contraindications.

Please complete the form below. Attach further documentation as necessary. Should you have any questions, please contact Webster Groves Human Resources at 314-963-5305 or (email).

The above person should not be immunized for COVID-19 for the following reasons:

- ☐ History of previous allergic reaction to indicate an immediate hypersensitivity reaction to a component of the vaccine.
- ☐ The physical condition of the person or medical circumstances relating to the person are such that immunization is not considered safe. Please indicate the specific nature and probable duration of the medical condition or circumstances that contraindicate immunization with the COVID-19 vaccine.
- ☐ Other – Please provide this information in a separate narrative that describes the exemption in detail.

I certify that \_\_\_\_\_ has the above contraindication and request a medical exemption from the COVID-19 vaccination.

\_\_\_\_\_  
Medical Provider Signature

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

\_\_\_\_\_  
Address

\_\_\_\_\_  
Office Phone Number

**Appendix B- Request for Religious Exemption from COVID-19 Vaccination**

This request contains two parts, both are required.

*Part 1 – To Be Completed by Employee*

Employee Name: \_\_\_\_\_

Reason why exemption is requested: *(attach additional pages as necessary)*

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In some cases, the City will need to obtain additional information and/or documentation about your religious practice(s) or belief(s). We may need to discuss the nature of your religious belief(s), practice(s) and accommodation with your religion's spiritual leader (if applicable) or religious scholars to address your request for an exception.

If requested, can you provide documentation to support your belief(s) and need for an accommodation? \_\_\_\_\_ Yes \_\_\_\_\_ No

If no, please explain why: *(attach additional pages as necessary)*

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Verification and Accuracy

I verify that the information I am submitting in support of my request for an Exemption is complete and accurate to the best of my knowledge, and I understand that any intentional misrepresentation contained in this request may result in disciplinary action. I also understand that my request for an exemption may not be granted if it is not reasonable, if it poses a direct threat to the health and/or safety of others in the workplace and/or to me, or if it creates an undue hardship on the organization.

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


*Part 2 – To be completed by Human Resources Manager*

Date Request Received: \_\_\_\_\_ Interactive Discussion Date(s) if applicable \_\_\_\_\_

Exemption granted? \_\_\_\_\_ Yes \_\_\_\_\_ No

Describe Exemption:

If Exemption granted, list required alternative safety precautions required:

	<div>STAFF</div> <div>REPORT</div>
<b>Date:</b>	September 16, 2021
<b>Prepared By:</b>	Anna Mitchell, Assistant City Administrator
<b>Subject:</b>	Courtyard Park - Alleyway

Earlier this year, staff received and presented to the Board a request for proposed use of the parkland at 111 North Bridge Street for outdoor dining space for Humphrey's Bar and Grill. At the May 4 Work Session, the Board directed staff to research options for potential use of this space to bring back for review and discussion.

The proposal submitted is included as is a map of the Downtown area with the potential area of use outlined in black (in the alleyway portion of Courtyard Park).

The land that the proposed patio would be located on is City Land and part of the adjacent Courtyard Park. The owner is asking for the use of the property to then construct the patio with no financial help from the City. The options below hold the assumption that the constructed patio is for private use only and not available for public use.

Because the proposal uses park land (the area used as an alleyway is technically park land and not designated as an official alley or parking lot) and in the Downtown area, this proposal has been reviewed by both the Parks and Recreation Committee and the Main Street group. Both groups have indicated the proposed use is consistent with goals of the community.

Staff has consulted the City legal team and has formulated three possible paths forward on this proposal.

Option 1: Lease the property: An RFP would be posted for the lease of the property and a bid process completed.

Pros

- Any improvement on the property would be accepted as City property at the end of any lease.
- Any structure built on the property would be subject to approval from the board
- If the restaurant and or owner no longer have an interest in the property, it will still remain the City's property
- Insurance and Maintenance would be solely on the private business with the City listed as an additional insured.

- Revenue generated according to a lease agreement.

#### Cons

- The land is currently park land where alcohol is not permitted except on a temporary basis for short term events. To allow for the consumption of alcohol on the premises, our legal team would have to do further research as there is no clear way to allow it at this time.
- The construction of the patio will decrease parking and ease of accessibility to the parking behind the Courtyard Park Stage.

Option 2: Sale of property: An RFP would be posted for the sale of the property and a bid process completed.

#### Pros

- As the property would no longer be public land, the process of doing private business on public land would not be necessary.
- Revenue generated according to a purchase agreement.

#### Cons

- The City would not have any say, other than codes set by Planning and Zoning, on what happens with the property.
- The construction of the patio will decrease parking and ease of accessibility to the parking behind the Courtyard Park Stage.
- New property lot lines would need to be drawn to accommodate the sale.

Option 3: Do nothing/provide alternatives: Staff is willing to discuss other alternatives to a patio that is on that specific portion of land. Options may include using the space behind the building or converting the rooftop into outdoor seating.

#### Pros

- Parking would not be decreased, access continues
- Existing space that is available is being used by the property owner
- Future complications due to possible new restaurant/owner is minimized if not eliminated altogether.

#### Cons

- If the property owner decides not to go with any of the alternatives, the outdoor dining feature would not be available for this restaurant.

Staff seeks direction from the Board regarding next steps.





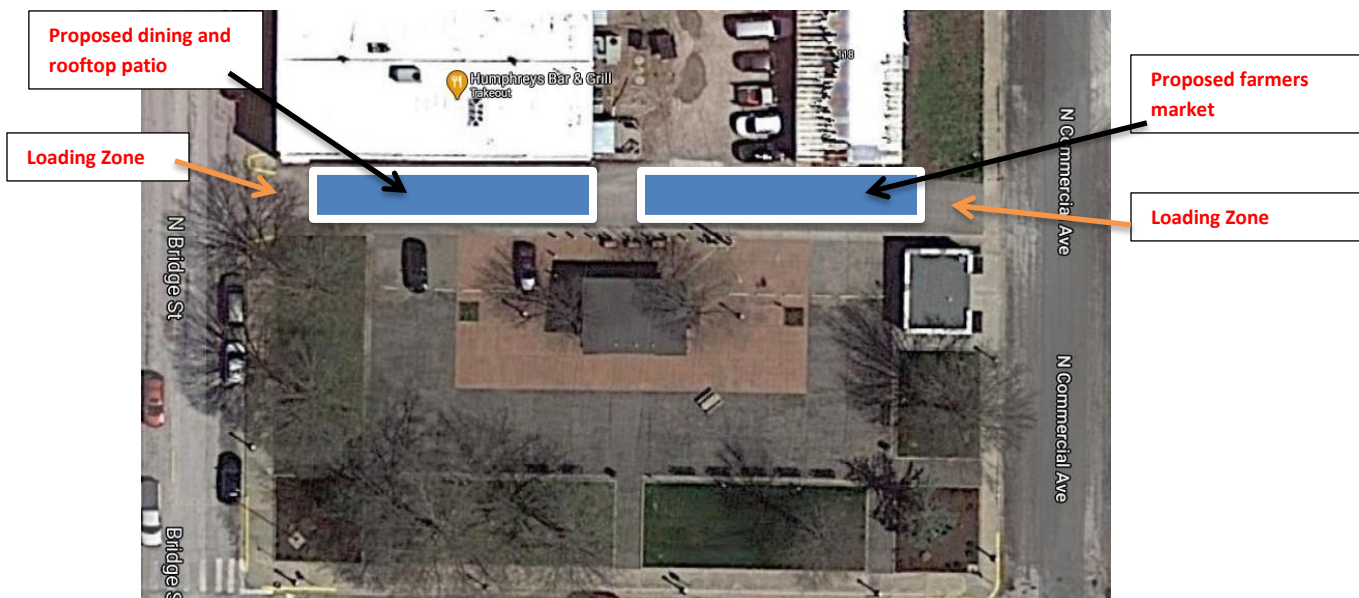


## **111 N. Bridge St./Courtyard Park Outdoor space concept**

Per preliminary conversations with the Mayor, we would like to explore the opportunity of creating an outdoor, covered dining area adjacent to Humphrey's Bar and Grill. The proposed structure would be approximately 20' wide by 75' long with a covered dining area on the ground level and an upper deck dining level that would overlook the park. This would allow us to add much needed outdoor dining space. We would propose the structure be built in the existing paved "alley" area, that runs East to West on the North side of the park, adjacent to the Humphrey's building. Additionally, we have discussed building a free standing, single level structure, directly to the East of the outdoor dining structure that would be home to a local farmer's market. This structure would be very similar in size to the outdoor dining area.

Given the current situation with the pandemic, many potential customers are still reluctant to patronize indoor dining establishments. This would allow a much needed alternative to indoor dining. Additionally, this would bring more visitors to downtown Smithville, which in turn would generate more sales tax revenue. The proposed area, in its current state, with the parking stalls on the North side of the park, also has some potential downsides. Many times when the public parks in these spaces, they come very close to hitting the building given the tight turning radius of these parking spots in relationship to the building. We feel that adding the outdoor dining area along with a farmer's market would allow this area to be better utilized in a manner that provides more benefit to residents and visitors of Smithville.

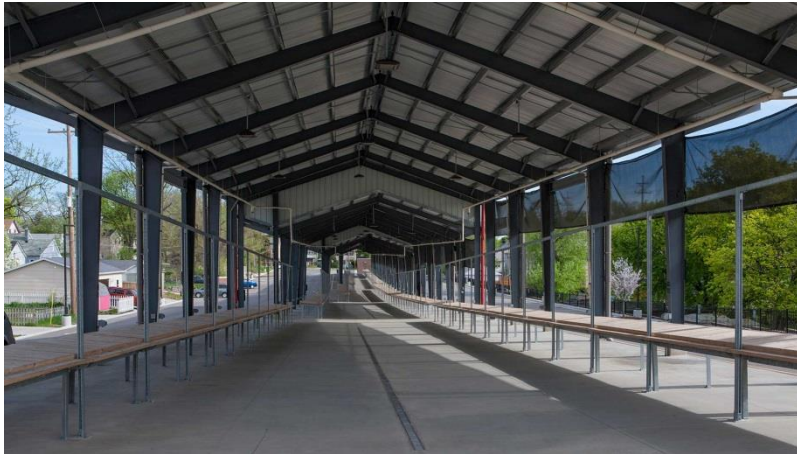
The below satellite aerial image shows the proposed location of the structures.




Below are examples of design elements and details that would be similar to the proposed structures:







In closing, we feel this is a great opportunity to create an excellent partnership that would bring a very unique and creative feature to downtown Smithville.

	<div>STAFF</div> <div>REPORT</div>
<b>Date:</b>	September 14, 2021
<b>Prepared By:</b>	Jack Hendrix
<b>Subject:</b>	New Ward Map Discussion

At the August 3 Work Session, staff requested direction from the Board regarding goals for structuring new ward boundaries with updated census information. At that time, the Board directed a preference for a map that includes wards representing the north, central and south sections of town. While it was expected the first week of September, Census data was received the second week of August and staff began the process of creating maps. This process began with staff manually entering the census tract data onto the official Census Tract Maps for Smithville. Once the data was cross-checked by multiple staff, the ward counting process could begin.

As identified in August, the first item was to define the “ideal ward” by numbers. With an official population of 10,406, the ideal ward was defined at 3,469. This number means that the maximum difference between the highest and lowest ward totals could not exceed 346. Staff then began counting the census tract populations of the current ward boundaries to determine if changes were necessary. When the new numbers for the existing Ward 1 reached over 20% deviation of the new ideal ward, the process was stopped, and new maps were specifically required. Staff then began grouping the tracts into defined neighborhoods or communities of interest. Then staff began tabulating totals for potential new wards by starting at the north end of the map and working south.

The first map (Exhibit 1) that followed the natural “north, central and south” layout that the Board directed is shown in the first map. That map used (roughly) 180<sup>th</sup> Street as the dividing line for the proposed new Ward 2. That map included a total of 3,031 in the new Ward 2, which was significantly over the maximum deviation allowed of 10%. Working from the south, the New Ward 3 could nearly match the existing Ward 3 boundary and contain a total of 3,480. This new Ward 3 boundary was close enough to the ideal ward (+11) that it was used in all new map considerations, which left just Ward 1 and 2 boundary lines to be adjusted to approach 3,469 in each.

The second map (Exhibit 2) added to the proposed Ward 2 the area that included Greyhawke subdivision and adjusted the western line somewhat to reach a new total of 3,485. While this map certainly met the standard deviation goal of less than 10%, it would isolate the Harborview subdivision (in the new Ward 1) away from and not

contiguous to other portions of Ward 1. This map seems to be similar to the existing map concerns expressed by the Board.

As a result, a third map was drawn. That map captured the Harborview subdivision population into the new Ward 2 and removed the Wildflower subdivision. Additional adjustments were made on the western side of the new line to make it easier to describe in an ordinance that would allow future annexations without needing to adjust the Ward Boundaries in the future. This third map (Exhibit 3) also made the ward sizes closer than the second map, with a new total in each as follows:

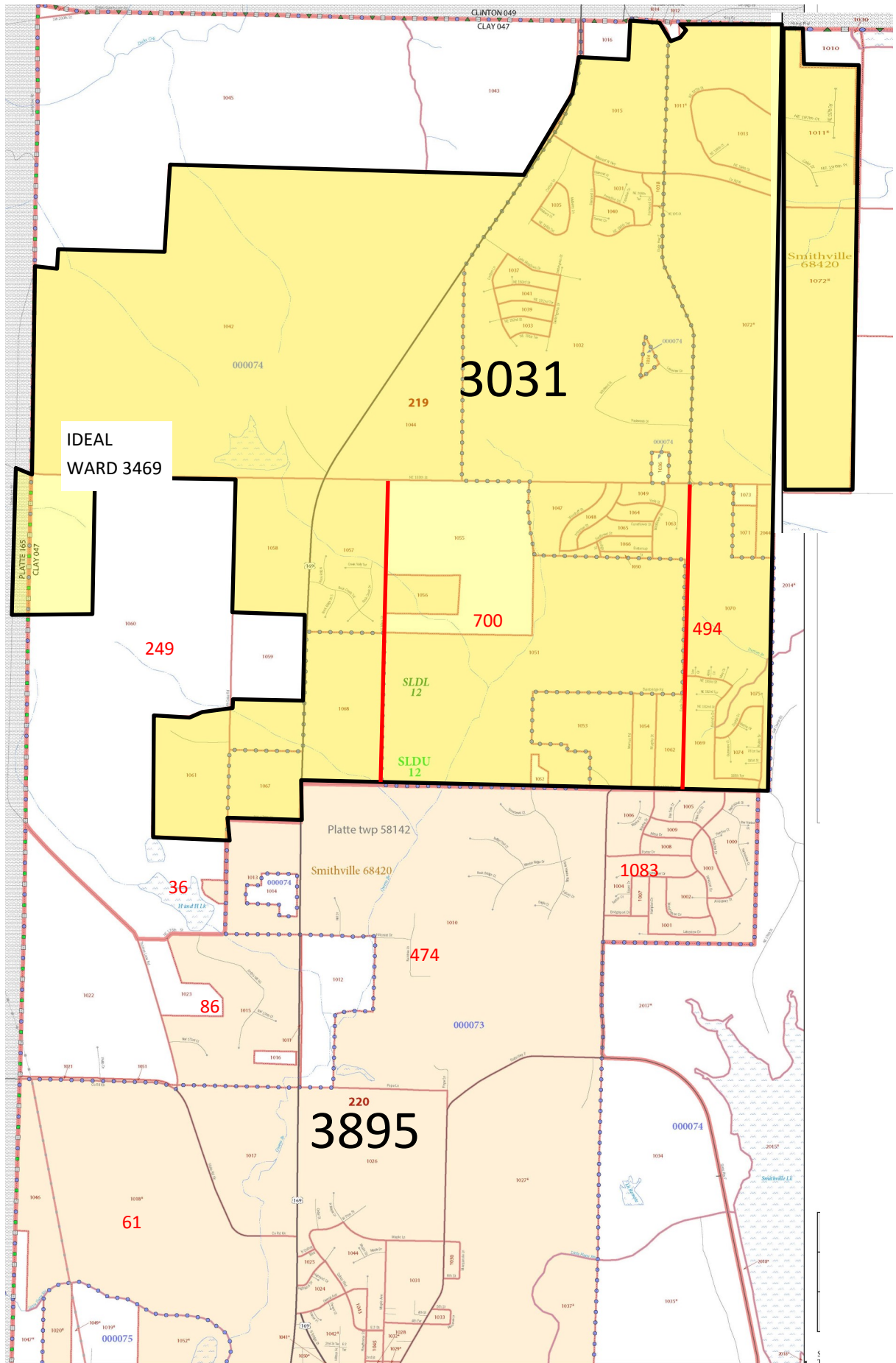
Ward 1	3,476
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Ward 2	3,450
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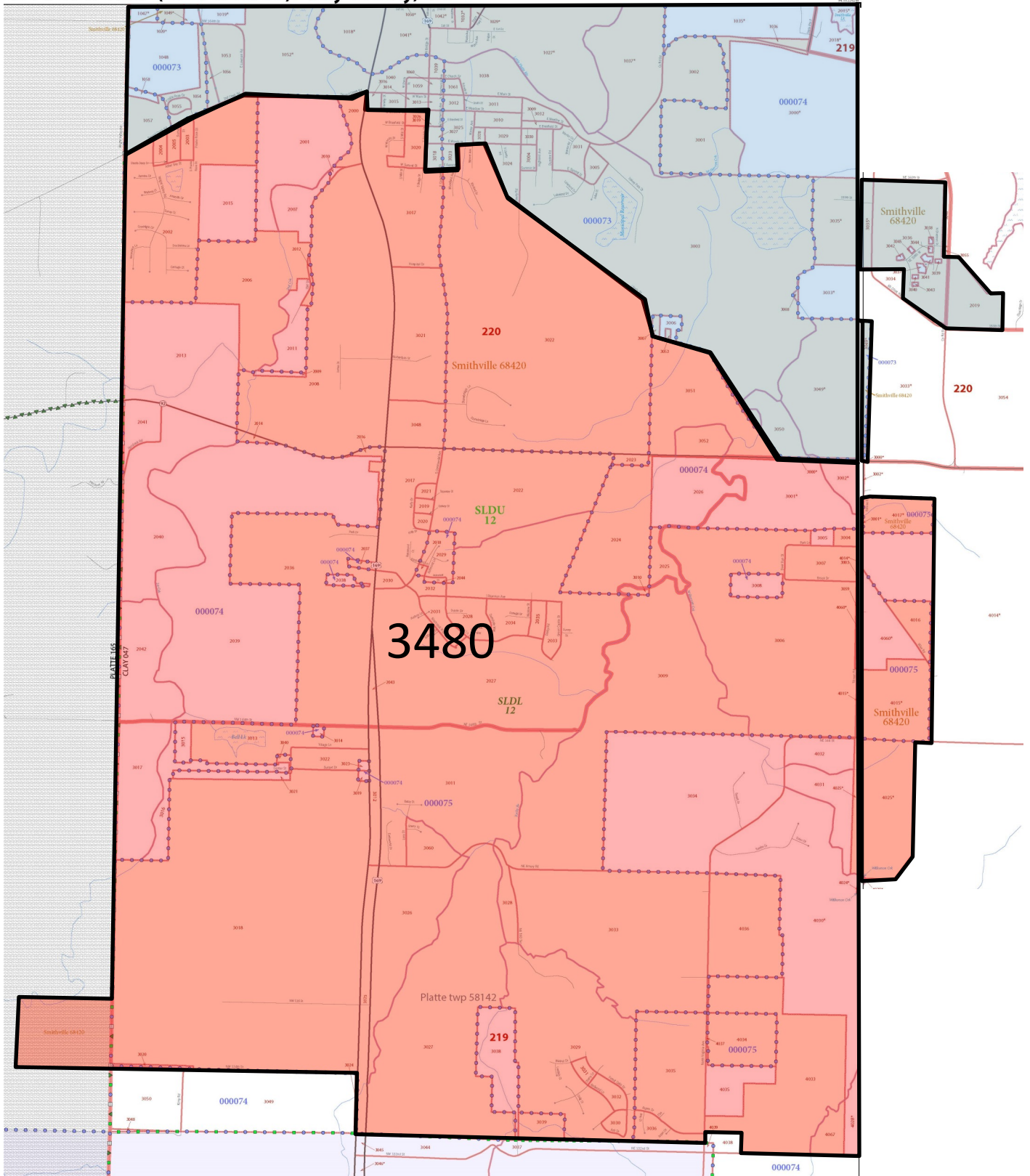
Ward 3	3,480
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Exhibit 3 approaches near equality in population of each Ward; the districts are relatively compact and contiguous; does not impact existing neighborhood boundaries; retains the Ward 3 boundary as close as possible; and does not impact incumbency of any Alderman. As a result, staff recommends the map in Exhibit 3 become the new Ward Boundaries.

## Exhibit 1

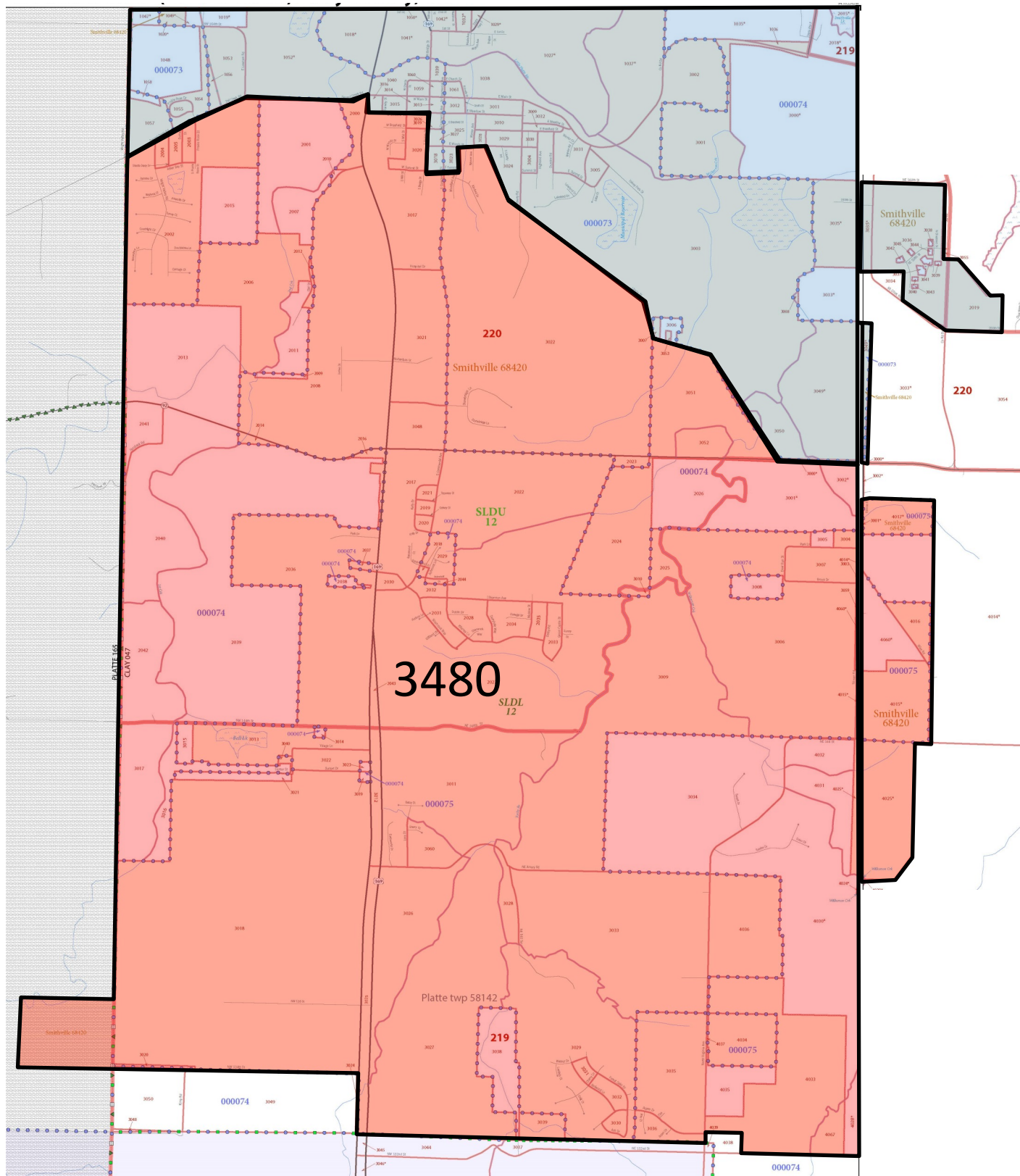












## Exhibit 3

