



WHERE COMMUNITY AND SPIRIT MEET®

**KIRKWOOD CITY COUNCIL  
KIRKWOOD CITY HALL  
March 19, 2015  
7:00 p.m.**

Pursuant to notice of meeting duly given by the Mayor, the City Council convened on Thursday, March 19, 2015, at 7:00 p.m. at Kirkwood City Hall, 139 South Kirkwood Road, Kirkwood, Missouri. Present were Mayor McDonnell, Council Members Biedenstein, Griffin, Jaksetic, Luetzow, Sears, and Ward. Also in attendance were Chief Administrative Officer Russell Hawes, Assistant Chief Administrative Officer Georgia Ragland, City Clerk Betty Montaña, and City Attorney John Hessel.

**PRESENTATIONS**

NONE

**INTRODUCTIONS AND RECOGNITIONS**

NONE

**PUBLIC HEARINGS**

**Public Hearing #1**

Mayor McDonnell recused himself from the meeting because of a conflict of interest and stepped out of the Council Chambers. Deputy Mayor Ward recessed the meeting for the purpose of conducting a public hearing regarding a request for an amendment to the Zoning Code to add “Physical Fitness Facility” to the list of Special Uses in the B-1 Zoning District. Mr. Hessel entered the following exhibits into the record: an Affidavit of Publication in the St. Louis Countian on February 24, 2015, as Exhibit 1; an Affidavit of Publication in the Webster Kirkwood Times on February 27, 2015, as Exhibit 2; the report of the Planning and Zoning Commission dated February 19, 2015, as Exhibit 3; the Planning and Zoning Commission Subcommittee Report dated February 18, 2015, as Exhibit 4; and the Kirkwood Code of Ordinances as Exhibit 5.

City Planner Ryan Spencer presented the matter to the council:

- The amendment would add “Physical Fitness Facilities” to the list of Special Uses in the B-1 Zoning District.
- A B-1 District map of the areas that would be affected by the Zoning amendment was shown.
- A discussion took place.
- Special Use Permits in the B-1 Zoning Districts will still go through the process of Planning & Zoning and City Council for approval.



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There being no objection from the council this item was placed on the agenda as Item #2 and became Bill 10408.

### **Public Hearing #2**

Deputy Mayor Ward recessed the meeting for the purpose of conducting a public hearing regarding a request for a Special Use Permit for a physical fitness facility at 12309 Old Big Bend Road (Crossfit). Mr. Hessel entered the following exhibits into the record: an Affidavit of Publication in the St. Louis Countian on February 24, 2015, as Exhibit 1; an Affidavit of Publication in the Webster Kirkwood Times on February 27, 2015, as Exhibit 2; an aerial view map showing the subject property and the properties that were notified of the public hearing, as Exhibit 3; a list of property owners who were sent notice of the public hearing, as Exhibit 4; the report of the Planning and Zoning Commission dated February 19, 2015, as Exhibit 5; the Planning and Zoning Commission Subcommittee Report dated February 18, 2015, as Exhibit 6; and the Kirkwood Code of Ordinances as Exhibit 7.

Petitioner Ed Lampitt presented the matter to the council:

- Barx Crossfit is a crossfit based, strength training program.
- The program will be class based with classes beginning at early as 5:30 a.m. and the last class beginning at 7:30 p.m.
- There will be a children's program for pre-school through high school.
- The program will be a monthly membership program.
- A discussion took place.
- The type of equipment in the facility will consist of a pull up rig, barbells, squat racks, and weights. The floor plan is an open floor plan.
- Question was raised regarding the conditions within the Planning & Zoning Sub-Committee Report. It was requested that staff speak with Ameren Missouri since they are the electrical provider.
- A discussion took place regarding the required parking, buffering and the condition of the existing fence. The fence will be repaired and screening for the HVAC units will be put up.
- City Planner Ryan Spencer stated that he would prefer to maintain the current amount of parking for possible future uses.

There being no objection from the council this item was placed on the agenda as Item #3 and became Bill 10409. Mayor McDonnell rejoined the meeting.

### **PUBLIC COMMENTS**

NONE



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### CONSENT AGENDA

Motion was made by Council Member Jaksetic and seconded by Council Member Biedenstein to approve the Consent Agenda. It was requested that item b) be pulled and placed at the end of the regular agenda. The Consent Agenda was unanimously approved.

- a) Approval of the March 5, 2015 City Council Meeting Minutes
- b) Resolution 31-2015, accepting the proposal of Utility Metering Solutions for Electric Department automatic meter reading system assessment and infrastructure upgrade services and directing the Mayor to enter into a contract (not to exceed \$2,100,000) ***\*Continued from March 5, 2015 \*\*Placed at the end of the agenda***
- c) Resolution 32-2015, accepting the bid of Simpson Materials Co., LLC, for limestone rock for the Water Department for a term of one year with the option to renew for an additional four years and authorizing and directing the Mayor to enter into a contract (at the unit prices listed on the bid tab sheet)
- d) Resolution 33-2015, accepting the bid of Fred Weber, for hot mixed asphaltic concrete for the Street Department for a term of one year with the option to renew for an additional four years and authorizing and directing the Mayor to enter into a contract (at the unit prices listed on the bid tab sheet)
- e) Resolution 34-2015, accepting the bid of West Contracting, for curb mix asphaltic concrete for the Street Department for a term of one year with the option to renew for an additional four years and authorizing and directing the Mayor to enter into a contract (at the unit prices listed on the bid tab sheet)
- f) Resolution 35-2015, accepting the bid of Fred Weber, for cold mixed asphaltic concrete for the Water Department for a term of one year with the option to renew for an additional four years and authorizing and directing the Mayor to enter into a contract (at the unit prices listed on the bid tab sheet)
- g) Resolution 36-2015, accepting the proposal of Pool Pros for the Aquatic Center Competition Pool Wall Repair and authorizing and directing the Mayor to enter into a contract amendment (not to exceed amount of \$17,275)
- h) Resolution 37-2015, accepting the bid of Bazan Painting Co. for the Kirkwood Aquatic Center Pool Painting of the Family, Leisure, and Plunge Pool and authorizing and directing the Mayor to enter into a contract (not to exceed amount of \$30,000)

### OLD BUSINESS

Bill 10401, adopting and approving the Operating and Capital Budgets for the City of Kirkwood for the fiscal year April 1, 2015 through March 31, 2016, and appropriating such sums as are set forth herein for all departments and the accounts therein specified, for all expenditures of the City of such year, which appropriations total \$67,569,246, Capital Projects of \$5,356,117, and



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appropriating the sum of \$577,916 for payment of principal, interest and bank fees for General Obligation Bonded Indebtedness from the Debt Service Fund; and reappropriating \$5,857,084 for previously approved projects that will be incomplete as of March 31, 2015, was brought before the council.

Motion was made by Council Member Biedenstein and seconded by Council Member Jaksetic to amend Section 6 of the Bill by removing the word “dividend” and replacing it with the word “payment” wherever it reads in Section 6. A discussion took place. The motion failed with Council Members Biedenstein, Jaksetic, and Luetzow in favor and Council Members Griffin, Sears, Ward and Mayor McDonnell opposed.

Roll Call Vote as Follows:

Council Member Biedenstein	“No”
Council Member Griffin	“Yes”
Council Member Jaksetic	“Yes”
Council Member Luetzow	“Yes”
Mayor McDonnell	“Yes”
Council Member Sears	“Yes”
Council Member Ward	“Yes”

The bill, having received majority approval of the council, was adopted and became Ordinance 10253.

Bill 10402, approving the budget of the Special Business District for the fiscal year April 1, 2015 through March 31, 2016, was brought before the council. A discussion took place.

Roll Call Vote as Follows:

Council Member Biedenstein	“Yes”
Council Member Griffin	“Yes”
Council Member Jaksetic	“Yes”
Council Member Luetzow	“Yes”
Mayor McDonnell	“Yes”
Council Member Sears	“Yes”
Council Member Ward	“Yes”

The bill, having received majority approval of the council, was adopted and became Ordinance 10254.



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Bill 10403, authorizing and directing the Mayor to enter into a User Agreement for Dispatch Equipment Interoperable Radio System with St. Louis County, Missouri, was brought before the council.

Roll Call Vote as Follows:

Council Member Biedenstein	"Yes"
Council Member Griffin	"Yes"
Council Member Jaksetic	"Yes"
Council Member Luetzow	"Yes"
Mayor McDonnell	"Yes"
Council Member Sears	"Yes"
Council Member Ward	"Yes"

The bill, having received majority approval of the council, was adopted and became Ordinance 10255.

Bill 10405, adopting a revised City of Kirkwood Classification and Pay Plan, was brought before the council.

Roll Call Vote as Follows:

Council Member Biedenstein	"Yes"
Council Member Griffin	"Yes"
Council Member Jaksetic	"Yes"
Council Member Luetzow	"Yes"
Mayor McDonnell	"Yes"
Council Member Sears	"Yes"
Council Member Ward	"Yes"

The bill, having received majority approval of the council, was adopted and became Ordinance 10256.

Bill 10406, reappropriating \$90,000 into the fiscal year 2016 budget for the Public Engagement Services that will be performed by the FPA Group, was brought before the council.

Roll Call Vote as Follows:

Council Member Biedenstein	"Yes"
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Council Member Griffin	“Yes”
Council Member Jaksetic	“Yes”
Council Member Luetzow	“Yes”
Mayor McDonnell	“Yes”
Council Member Sears	“Yes”
Council Member Ward	“Yes”

The bill, having received majority approval of the council, was adopted and became Ordinance 10257.

### **NEW BUSINESS**

Bill 10407, vacating public utility easement rights in the northern twenty-five foot section of vacated East Maple Avenue right-of-way dedicated to the City of Kirkwood, Laclede Gas, Union Electric, Metropolitan St. Louis Sewer District, Southwestern Bell Telephone, their successors or assigns in Adele Place and part of Lot 4 of the Houser Estate Subdivision located in Section 36, Township 45 North, Range 5 East in the City of Kirkwood, St. Louis County, Missouri, was brought before the council. Motion was made by Council Member Ward and seconded by Council Member Biedenstein to accept the bill for first reading approval. The motion was unanimously approved.

The bill received first reading approval and was held over.

Mayor McDonnell recused himself from the meeting because of a conflict of interest on the next two items.

Bill 10408, amending provisions of the City of Kirkwood Municipal Code, Appendix A – Zoning, to add Physical Fitness Facilities as a Special Use Permit category in the B-1 Neighborhood District, was brought before the council. Motion was made by Council Member Jaksetic and seconded by Council Member Biedenstein to accept the bill for first reading approval. The motion was unanimously approved. A discussion took place.

The bill received first reading approval and was held over.

Bill 10409, granting a Special Use Permit for a physical fitness facility (Barx Crossfit) on the property known at 12309 Old Big Bend Road subject to certain conditions, was brought before the council. Motion was made by Council Member Jaksetic and seconded by Council Member Griffin to accept the bill for first reading approval. A discussion took place. The motion was unanimously approved. A discussion took place.

Motion was made by Council Member Biedenstein and seconded by Council Member Jaksetic to amend the Bill to add a condition to require a buffer along Repetta. A discussion took place. The



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motion failed with Council Member Biedenstein in favor and Council Members Griffin, Jaksetic, Luetzow, Sears, and Ward opposed.

A discussion took place regarding adding a definition to the Zoning Code for physical fitness facilities. Council Member Griffin will work with the City Attorney and City Clerk regarding a definition.

The bill received first reading approval and was held over.

Mayor McDonnell rejoined the proceedings.

**CONSENT AGENDA ITEMS FOR DISCUSSION**

Resolution 31-2015, accepting the proposal of Utility Metering Solutions in the amount of \$2,005,000 with a contingency of \$95,000 for a not to exceed total value of \$2,100,000 for Electric Department Automatic Meter Reading System Assessment and Infrastructure Upgrade Services and authorizing and directing the Mayor to enter into a contract, was brought before the council. Motion was made by Council Member Griffin and seconded by Council Member Biedenstein to accept the resolution as read. A discussion took place.

Roll Call Vote as Follows:

Council Member Biedenstein	“Yes”
Council Member Griffin	“Yes”
Council Member Jaksetic	“Yes”
Council Member Luetzow	“Yes”
Mayor McDonnell	“Yes”
Council Member Sears	“Yes”
Council Member Ward	“Yes”

**CITY COUNCIL REPORTS**

Council Member Luetzow reported that 50 Trees won the 2014 Missouri Arbor Award of Excellence.

Mayor McDonnell reported that Victor Dane, a retired Kirkwood Fireman and the annual Santa Clause who would visit City Council, passed away recently and will be missed.

Council Member Ward announced that today is Council Member Sears’ birthday.



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**CHIEF ADMINISTRATIVE OFFICER REPORTS**

Mr. Hawes had nothing to report.

**CITY CLERK REPORT**

Mrs. Montaña had nothing to report.

**CITY ATTORNEY REPORT**

Mr. Hessel had nothing to report.

**ADJOURNMENT**

There being no further business to come before the Council, the meeting was adjourned. The next regular council meeting is scheduled for April 2, 2015, at 7:00 p.m.

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Betty Montaña, MMC/MPCC  
City Clerk

***Approved: April 2, 2015***