



WHERE COMMUNITY AND SPIRIT MEET®

**KIRKWOOD CITY COUNCIL
KIRKWOOD CITY HALL
December 16, 2010
7:00 p.m.**

Pursuant to notice of meeting duly given by the Mayor, the City Council convened on Thursday, December 16, 2010, at 7:00 p.m. at Kirkwood City Hall, 139 South Kirkwood Road, Kirkwood, Missouri. Present were Council Members Biedenstein, Griffin, Jaksetic, Sears, Ward, Yuan and Mayor McDonnell. Also in attendance were Chief Administrative Officer Michael Brown, and City Attorney John Hessel. City Clerk Betty Montañó was absent and excused.

PRESENTATIONS

NONE

INTRODUCTIONS AND RECOGNITIONS

NONE

PUBLIC HEARINGS

NONE

PUBLIC COMMENTS

NONE

CONSENT AGENDA

Motion was made by Council Member Griffin and seconded by Council Member Biedenstein to approve the Consent Agenda. The motion to approve the Consent Agenda was unanimously approved as follows:

- a) Approval of the December 2, 2010, City Council Meeting Minutes
- b) Resolution 142-2010, accepting the bid of Cardinal Door, Inc. for the replacement of four garage doors at the Water Department Meter Shop and directing the Mayor to enter into a contract (\$20,490)
- c) Resolution 143-2010, accepting the bid of Bommarito Construction Company for the water main replacement on Old Big Bend, Horseshoe and Lockett and directing the Mayor to enter into a contract (\$321,621)
- d) Resolution 145-2010, accepting the bid of Dave Sinclair Ford for a vehicle for the Engineering Division and directing the Director of Purchasing to issue a purchase order (\$17,208)
- e) Resolution 146-2010, accepting the bid of Reuther Ford for two vehicles for the Building Inspectors and authorizing and directing the Director of Purchasing to issue a purchase order (\$30,334.86)
- f) Resolution 148-2010, transferring funds from the Recreation Division budget to the Police Department Overtime Account for services rendered during the Kirkwood to Webster Groves Run (\$447)

- g) Resolution 149-2010, accepting the bid of Enterprise Consulting for Websense Appliance, Migration and Support for the MIS Department and directing the Mayor to enter into a contract (\$8,295.50)
- h) Resolution 150-2010, transferring funds, accepting the proposal of Novatech as a single source provider for substation control equipment for the Electric Department and directing the Director of Purchasing to issue a purchase order (\$20,185)
- i) Resolution 151-2010, authorizing renewal of life insurance with Standard Insurance and directing the Mayor to enter into a contract
- j) Resolution 152-2010, accepting the bid of Reliance Standard to provide long-term disability insurance coverage and directing the Mayor to enter into a contract
- k) Resolution 153-2010, transferring funds, accepting the proposal of RCC Consultants, Inc. as a sole source provider to provide a study relating to the expansion of the radio network and wireless capabilities and directing the Director of Purchasing to issue a purchase order (\$37,470)

OLD BUSINESS

Bill 10099, amending the Kirkwood Code of Ordinances by amending Chapter 15, Section 15-33 “Court Costs and Surcharges,” to assess costs of incarceration for inmates in the St. Louis County Jail, was brought before the council.

Roll Call Vote as Follows:

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

The bill, having received majority approval of the council, was adopted and became Ordinance 9971.

Bill 10100, amending the Kirkwood Code of Ordinances, Chapter 2, Sections 2-295 through 2-349 to update outdated provisions relating to the responsibilities of the Director of Finance and amending the entire Code of Ordinances to remove “City Controller” and “Treasurer” wherever it appears and insert “Director of Finance”, was brought before the council. A discussion followed.

Motion was made by Council Member Biedenstein and seconded by Council Member Yuan to amend Section 2-302, paragraph (a), by un-deleting “furnish printed copies to the city library”. The motion to amend was unanimously approved.

Motion was made by Council Member Biedenstein and seconded by Council Member Jaksetic to amend Section 2-213, paragraph (c)(1), Item 2, by un-deleting “between any salary account or salary related account and any other account”. The motion to amend was unanimously approved.

Roll Call Vote as Follows:

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

The bill, having received majority approval of the council, was adopted and became Ordinance 9972.

Bill 10101, amending the City of Kirkwood Deferred Compensation Plan for Pension Protection Act, Heart Act and other laws, was brought before the council.

Roll Call Vote as Follows:

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

The bill, having received majority approval of the council, was adopted and became Ordinance 9973.

Bill 10102, amending Chapter 17 of the Kirkwood Code of Ordinances, Section 17-37 “Conduct Constituting Disturbing Noises” regarding delivery of goods, was brought before the council.

Roll Call Vote as Follows:

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

The bill, having received majority approval of the council, was adopted and became Ordinance 9974.

Bill 10103A, amending the Kirkwood Code of Ordinances Chapter 14, by adding a new Section 14-335 "Parking of Vehicles in Certain Places Prohibited", was brought before the council. Motion was made by Council Member Biedenstein and seconded by Council Member Griffin to amend Section 14-335, paragraph 2, subparagraph (e) to read "When the operator of said vehicle is an overnight guest in a hotel within the City of Kirkwood, MO and if said vehicle is parked on the premises of said hotel located in Kirkwood, MO". The motion to amend was withdrawn.

Motion was made by Council Member Biedenstein and seconded by Council Member Griffin to amend Section 14-335, subparagraph (e) to read "When the operator of said vehicle is an overnight guest of an adjacent hotel in Kirkwood". The motion was unanimously approved. A discussion followed.

Roll Call Vote as Follows:

Council Member Biedenstein	"Yes"
Council Member Griffin	"Yes"
Council Member Jaksetic	"Yes"
Mayor McDonnell	"Yes"
Council Member Sears	"Yes"
Council Member Ward	"Yes"
Council Member Yuan	Abstain

The bill, having received majority approval of the council, was adopted and became Ordinance 9975.

NEW BUSINESS

Bill 10104, approving budgetary corrections and eliminating three funds at the beginning of the 2011-2012 Budget Year, was brought before the council. Motion was made by Council Member Griffin 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.

Bill 10105, appropriating \$1,700 from the Grant Revenue Fund to Police Department Account 101-1202-421.66.21 for the purchase of tracking equipment for the Police Department, was brought before the council. Motion was made by Council Member Griffin and seconded by Council Member Ward to accept the bill for first reading approval. The motion was unanimously approved.

The bill received first reading approval and was held over.

Bill 10106, amending the Kirkwood Code of Ordinances, Chapter 17, Article VI regarding unlawful use of weapons, was brought before the council. Motion was made by Council Member Jaksetic and seconded by Council Member Sears to accept the bill for first reading approval. Council Member Sears distributed information that he would like to have

written into a Substitute Bill for the next meeting. The motion was unanimously approved. A discussion took place.

The bill received first reading approval and was held over.

Resolution 144-2010, approving a Final B-5 Development Plan Amendment for Walmart at 1202 South Kirkwood Road to expand the existing development approved by Ordinance No. 8777 and the Kirkwood Commons Redevelopment Agreement, 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 followed.

Motion was made by Council Member Biedenstein and seconded by Council Member Jaksetic to amend Section 1, Item 1, to read “The project shall be constructed *and maintained* in accordance with the site, landscape, and lighting plans stamped “Received November 16, 2010, City of Kirkwood Public Works”, except as noted herein.” The motion to amend was unanimously approved.

Motion was made by Council Member Sears and seconded by Council Member Griffin to waive Robert’s Rule of Order to allow the petitioner to answer questions made by council. The motion was unanimously approved. Keith Hazelwood and Jeffery Hodgkins spoke to the council.

Motion was made by Council Member Biedenstein and seconded by Council Member Ward to amend Section 1 by adding an Item 15 “No annual outdoor activity of a corral for Wal-Mart’s garden shop merchandise which was blanket approved, for use of 65 parking spaces, via a City of Kirkwood letter dated April 22, 2005 shall be allowed. Unless a new proposal is submitted to, reviewed and approved by the Kirkwood City Council, after implementation of the project identified by this Resolution 144-2010”. The motion to amend was withdrawn.

Motion was made by Council Member Biedenstein and seconded by Council Member Jaksetic to request the City Clerk to send a letter to Walmart advising that the Council has rescinded the previous approval for the annual operation of a corral. The letter should advise Walmart that they may submit another request in writing for council consideration for this event. The motion was unanimously approved.

**See City Council Report*

Roll Call Vote as Follows:

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

The resolution was unanimously approved.

Resolution 147-2010, approving a Final B-5 Development Plan Amendment for Buffalo Wild Wings at 1244 South Kirkwood Road to expand the existing development approved by Ordinance No. 8777 and the Kirkwood Commons Redevelopment Agreement, was brought before the council. Motion was made by Council Member Griffin and seconded by Council Member Ward to accept the resolution as read. A discussion followed.

Motion was made by Council Member Biedenstein and seconded by Council Member Griffin to amend Section 1, Item 1, to read “The project shall be constructed *and maintained* in accordance with the site, landscape, and lighting plans stamped “Received November 16, 2010, City of Kirkwood Public Works”, except as noted herein.” The motion to amend was unanimously approved.

Motion was made by Council Member Biedenstein and seconded by Council Member Sears to amend Section 1, Item 1 by adding “The approved landscape plan shall be further amended as the attached exhibit A dated 12.16.2010”. The motion to amend was unanimously approved.

Motion was made by Council Member Biedenstein and seconded by Council Member Griffin to amend Section 1, Item 4 by adding “all” and having it read “removing all the existing quarry rock”. The motion to amend was unanimously approved.

Motion was made by Council Member Biedenstein and seconded by Council Member Sears to amend Section 1, Item 5, by deleting the existing Item 5 and replacing it with “Plant and maintain six (6) new canopy trees which are large street trees as noted in the Street Tree selections for Kirkwood (and reprinted 9.2006) and eighteen (18) new evergreen bushes at locations shown on exhibit A dated 12.16.2010”. The motion to amend was unanimously approved.

Roll Call Vote as Follows:

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

The resolution was unanimously approved.

CITY COUNCIL REPORTS

Council Member Yuan reported that the Human Rights Commission met on Tuesday and under the Department of Justice Mediation Agreement is going to start work on organizing a symposium in the Fall of 2011. The potential speaker at the symposium will be Bob Archibal of the Missouri History Museum.

Council Member Ward announced that he has a brother that serves on the Board of the

Missouri History Museum who could possibly defer some costs for the Human Rights Commission symposium.

Resolution 144-2010, Motion was made by Council Member Biedenstein and seconded by Council Member Jaksetic for staff to prepare and send a letter to Desco advising them of the City's support of the recommendations contained in the Traffic Study and a request that Desco evaluate and implement the recommendations. The motion was unanimously approved.

CHIEF ADMINISTRATIVE OFFICER REPORTS

Mr. Brown had nothing to report.

CITY CLERK REPORT

Ms. Asche had nothing to report.

CITY ATTORNEY REPORT

Mr. Hessel wished everyone a Happy Holiday.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned. The next regular council meeting was scheduled for January 6, 2011 at 7:00 p.m.

Laurie Asche
Deputy City Clerk

Approved: January 6, 2011