



WHERE COMMUNITY AND SPIRIT MEET®

**KIRKWOOD CITY COUNCIL
KIRKWOOD CITY HALL
August 20, 2015
7:00 p.m.**

Pursuant to notice of meeting duly given by the Mayor, the City Council convened on Thursday, August 20, 2015, at 7:00 p.m. at Kirkwood City Hall, 139 South Kirkwood Road, Kirkwood, Missouri. Present were Mayor McDonnell, Council Members Biedenstien, Griffin, Jaksetic, Luetzow, Sears, and Council Member Ward. Also in attendance were Chief Administrative Officer Russell Hawes, Assistant Chief Administrative Officer Georgia Ragland, City Clerk Betty Montañó, and City Attorney John Hessel.

**PRESENTATIONS
NONE**

**INTRODUCTIONS AND RECOGNITIONS
NONE**

PUBLIC HEARINGS

Mayor McDonnell recessed the meeting for the purpose of conducting a public hearing regarding a request to rezone 36, 40, 44, 48, 52 Ponca Trail and 100 Catawba Trail from R-3 to R-4 for a six-lot subdivision. Mr. Hessel entered the following exhibits into the record: an Affidavit of Publication in the St. Louis Countian on July 28, 2015, as Exhibit 1; an Affidavit of Publication in the Webster Kirkwood Times on July 31, 2015, as Exhibit 2; a list of property owners who were sent notice of the public hearing, as Exhibit 3; an aerial view map showing the subject property and the properties that were notified of the hearing, as Exhibit 4; the report of the Planning and Zoning Commission dated July 2, 2015, as Exhibit 5; the Planning and Zoning Commission Subcommittee Report dated July 1, 2015, as Exhibit 6; and the Kirkwood Code of Ordinances as Exhibit 7.

Mr. Hessel explained that the rezoning is part of a Community Unit Plan (CUP) application and that the City Council should be conscious of the CUP when considering the rezoning request. If there are concerns or objections with the details of the preliminary CUP that should be considered.

Petitioner Dan Wind presented the matter to the council:

- 1.6 acre site platted in the 1920's and Clayton Francois purchased the property more than six years ago.
- The petitioner has been trying to come up with a solution to develop the property over the past few years.
- It is the petitioner's belief that the best way to develop the property is to rezone from R-3 (15,000 square feet) to R-4 (7,500 square feet)



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- The original plan included seven lots, the revised plan has been reduced to six lots
- Trees will be added to the hillside
- Ponca Trail will be two-way traffic at that location to Big Bend
- There will be a retaining wall installed that will go from zero to three feet high
- Mike Wallis, the builder explained specifics of the lot sizes and the desire to have the houses around the same size

The following individuals spoke regarding the request:

1. Kathy Widman, 12762 Big Bend, is opposed and referred to a judgment that was issued and she believes should be part of the consideration on this matter
2. Jim Widman, 12762 Big Bend, is opposed and suggested if there is a dispute with the judgment that maybe this issue should be delayed
3. Dave Sinclair, 1069 Barberry Lane, is concerned if the houses will actually be built once the rezoning has been approved and is also concerned with the houses staying on top of the hill. Mr. Sinclair later stated that he wants the petitioner to follow the rules and codes and wants houses built.
4. Kathy Paulsen, 401 Frieda, is opposed as she believes it sets a dangerous precedent and is not good for R-3 property owners. She indicated that it is possible to have a CUP in R-3
5. Donna Poe, 21 Ponca Trail, is concerned about the entrance to Ponca Trail and that it looks awful with the delay in any progress

Zoning Administrator Ryan Spencer explained that there will be a total of six lots if the CUP is approved. The CUP is being used to provide flexibility on setbacks and puts review of the site plan by the Planning and Zoning Commission and City Council.

Mr. Francois said that with regard to the maintenance of the site, they are trying to re-establish grass and siltation control and are letting the grass grow and go to seed to assist with the stabilization of the ground.

The City Council requested that Mr. Hessel investigation if there is a legal way to tie the rezoning to the Community Unit Plan and advise.

The legislation was held over until the September 3, 2015 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. The Consent Agenda was unanimously approved.

- a) Approval of the August 6, 2015 City Council Meeting Minutes
- b) Resolution 88-2015, accepting the bid of Waddell Concrete, Inc. for a foundation wall at the Alfred Substation and directing the Mayor to enter into a contract (Not To Exceed \$31,818)
- c) Resolution 89-2015, accepting the bid of J.F. Electric, Inc. for distribution system upgrades to Circuit 17 for the Electric Department and directing the Mayor to enter into a contract (\$93,281)
- d) Resolution 90-2015, accepting the bid of Spencer Contracting Company for full depth and surface asphalt repairs and directing the Mayor to enter into a contract (Not To Exceed \$400,000) **Moved to the end of the Agenda**
- e) Resolution 91-2015, accepting the proposal of C.I. Agent Solutions for Alfred Substation Oil Containment System and Services and directing the Mayor to enter into a contract (Not To Exceed \$23,286)
- f) Resolution 92-2015, accepting the proposal of Jacobs Engineering Group, Inc. for Phase Three for the Kirkwood Community Center Feasibility Study and directing the Mayor to enter into a contract (Not To Exceed \$24,000) **Moved to the end of the Agenda**
- g) Resolution 93-2015, transferring funds, accepting the proposal of Gallagher Benefit Services to provide a compensation study and directing the Mayor to enter into a contract (\$46,000) **Moved to the end of the Agenda**

OLD BUSINESS

Bill 10430, reappropriating \$90,000 from the last fiscal year to the current fiscal year for Professional Public Engagement Services relating to the Comprehensive Plan process, 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”



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The bill, having received majority approval of the council will become Ordinance 10280.

Bill 10431, appropriating \$50,000 from the General Fund (Fund Balance) to other funds then to Account #203-5501-465.75.03 to fund the Downtown Special Business District Façade Program, 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 will become Ordinance 10281.

NEW BUSINESS

Bill 10432, readopting a procedure to disclose potential conflicts of interest and substantial interests for certain officials as set forth in Chapter 2, Article I, Section 2-5 of the Kirkwood Code of Ordinances, 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. A discussion took place. The motion was unanimously approved.

The bill received first reading approval and was held over.

Bill 10433, amending the Kirkwood Code of Ordinances, Chapter 12 “Human Relations” by adding Article V. “Enforcement Procedures” relating to discrimination, was brought before the council. Motion was made by Council Member Sears and seconded by Council Member Griffin to accept the bill for first reading approval. The motion was unanimously approved.

The bill received first reading approval and was held over.

Resolution 87-2015, granting the Windsor Forest Neighborhood Association of Kirkwood, Missouri, authorization for an encroachment in an existing island entirely in the public right-of-way at the intersection of Lemp Road, Wilton Lane, and Forest Avenue for the purpose of constructing a subdivision monument sign, was brought before the council. Motion was made by Council



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Member Jaksetic and seconded by Council Member Griffin to accept the resolution as read. A discussion took place. It is the desire of the City Council that curbing be installed and staff advised that this could be a condition of approval.

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”

CONSENT AGENDA ITEMS FOR DISCUSSION

Resolution 90-2015, accepting the bid of Spencer Contracting Company at the unit prices listed on the bid tab sheet (a copy of which is attached hereto and incorporated by reference herein) in an amount not to exceed \$400,000 for full depth and surface asphalt repairs for the Public Services Department 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 brief discussion ensued.

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”

Resolution 91-2015, accepting the proposal of Jacobs Engineering Group, Inc. in an amount not to exceed \$24,000 for Phase Three for the Kirkwood Community Center Feasibility Study 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 Luetzow to accept the resolution as read. A discussion ensued about the scope of the contract.



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After discussion a motion was made by Council Member Griffin and seconded by Council Member Biedenstein to continue the resolution to the September 3, 2015 meeting. The Council wants more exploration into market analysis, more far reaching feasibility and partnering with other entities. The motion to continue was unanimously approved.

Resolution 93-2015, transferring funds in the amount of \$35,500, accepting the proposal of Gallagher Benefit Services to provide a compensation study and authorizing and directing the Mayor to enter into a contract was brought before the council. Motion was made by Council Member Jaksetic and seconded by Council Member Biedenstein to accept the resolution as read. During discussion of this item the Council expressed a desire to discuss this issue in a Work Session. Motion was made by Council Member Griffin and seconded by Council Member Biedenstein to continue the resolution to the September 17, 2015 meeting. The motion was unanimously approved.

CITY COUNCIL REPORTS

Council Member Griffin advised the he will be absent from the September 3rd meeting.\

A brief update was given on the status of the Comprehensive Plan process and upcoming meetings.

CHIEF ADMINISTRATIVE OFFICER REPORTS

Mr. Hawes had nothing to report.

CITY CLERK REPORT

Mrs. Montañó read the report of the August 19, 2015 Planning and Zoning Commission Meeting:

1. The petitioner granted an extension on the Automatic Approval Date for the Special Use Permit Amendment for Winfield's Gathering Place at 10312 Manchester Road. The new date is September 11, 2015.
2. Received a presentation from Mr. McNulty to amend the Community Unit Plan for Lot 31 of High Meadow Plat 2 to reduce the side yard setback requirement from 15' to allow the construction of an attached garage to be within 9'-4" of the side property line at 1904 Grassy Ridge Road. A Subcommittee consisting of Mr. Kleinchnecht and Mr. Diel was appointed and scheduled a meeting for August 24, 2015 at 9:00 a.m. at the site.

CITY ATTORNEY REPORT

Mr. Hessel had nothing to report.



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ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned. The next regular council meeting is scheduled for September 3, 2015, at 7:00 p.m.

Betty Montañó, MMC/MPCC
City Clerk

Approved: September 3, 2015