



WHERE COMMUNITY AND SPIRIT MEET®

**KIRKWOOD CITY COUNCIL
KIRKWOOD CITY HALL
September 3, 2015
7:00 p.m.**

Pursuant to notice of meeting duly given by the Mayor, the City Council convened on Thursday, September 3, 2015, at 7:00 p.m. at Kirkwood City Hall, 139 South Kirkwood Road, Kirkwood, Missouri. Present were Mayor McDonnell, Council Members Biedenstein, 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 Montaña, and City Attorney John Hessel. Council Member Griffin was absent and excused.

PRESENTATIONS

The Greentree Festival Committee presented information regarding the upcoming 2015 Greentree Festival. The theme of the festival this year is "Circus Parade". Pre-Festival festivities start Saturday, September 12th with a "Party in the Park" from 6:00 p.m. to 9:00 p.m. at the Lion's Pavilion in Kirkwood Park. The Greentree Festival starts on Friday, September 18th where Motown Review will play. The Greentree Parade will be on Saturday, September 19th and Officer Jim Cox has been selected as Grand Marshal.

INTRODUCTIONS AND RECOGNITIONS

NONE

PUBLIC HEARINGS

Public Hearing #1

Mayor McDonnell recessed the meeting for the purpose of conducting a public hearing regarding setting the Property Tax rates for the City of Kirkwood. Mr. Hessel entered the following exhibits into the record: an Affidavit of Publication in the St. Louis Countian on August 18, 2015, as Exhibit 1; an Affidavit of Publication in the Webster Kirkwood Times on August 21, 2015; and the Kirkwood Code of Ordinances as Exhibit 3.

Director of Finance John Adams presented the information to the council. Some of the items presented are as follows:

- The Comprehensive Annual Financial Report is on the City website.
- Each year council certifies the property tax rates.
- The tax rates cover approximately 11% of the funding for the General Fund.
- Due to increased assessed valuations residential and commercial tax rates will decrease and personal property will increase by .2 cents.
- A discussion took place.



WHERE COMMUNITY AND SPIRIT MEET®

- A spreadsheet will be prepared showing the payments as they were received, and provided to the City Council.
- Council Member Biedenstein stated for the record that the notification in the paper was incorrect.

Executive Director of the Special Business District Donna Poe stated that property will decrease by 5.5 cents.

There being no objection from the council this item was placed on the agenda as Item #4 and became Bill 10437.

Public Hearing #2

Mayor McDonnell recessed the meeting for the purpose of conducting a public hearing regarding setting the Property Tax rates for the Kirkwood Library. Mr. Hessel entered the following exhibits into the record: an Affidavit of Publication in the St. Louis Countian on August 18, 2015, as Exhibit 1; an Affidavit of Publication in the Webster Kirkwood Times on August 21, 2015; and the Kirkwood Code of Ordinances as Exhibit 3.

Director of Finance John Adams and Chair of the Library Board Jacquelyn Bailey presented the information to the council. Some of the items presented are as follows:

- The Library Board re-evaluated a Strategic Plan and is moving forward with such.
- The tax rates for residential are increasing and commercial are decreasing.
- A discussion took place.

There being no objection from the council this item was placed on the agenda as Item #5 and became Bill 10438.

PUBLIC COMMENTS

1. Jim Widman, 12762 Big Bend, opposed to the rezoning of Ponca Trail, Bill 10434. Does not want the neighborhood changed to R-4 zoning and asked council to not allow someone to develop property that does not belong to them.
2. Dave Sinclair, 1069 Barberry Lane, opposed to the rezoning of Ponca Trail, Bill 10434.
3. Jim Baker, 1015 Barberry Lane, opposed to the rezoning of Ponca Trail, Bill 10434. Encourages the City to keep recommendation of the Planning and Zoning Commission that the trees be replaced. Does not want the City to set a precedent where small lots are the norm.
4. Marsha Toll, 436 Julian Place, spoke in regards to construction taking place on Julian Place. Concerned about the activities of the builders on the street. There are large construction trucks on the street when children are walking to school. Also, cement and mud has been left on the street.



WHERE COMMUNITY AND SPIRIT MEET®

- 5. Dan Sullivan, 1923 N. Signal Hill, spoke in regards and opposed to the School Board Tax Rate proposal.

CONSENT AGENDA

Motion was made by Council Member Jaksetic and seconded by Council Member Biedenstein to approve the Consent Agenda. It was requested that items b) and d) be moved to the end of the agenda. The Consent Agenda was unanimously approved.

- a) Approval of the August 20, 2015 City Council Meeting Minutes
- b) 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***
- c) Resolution 94-2015, adopting a City E-Mail Communication Retention Policy effective January 1, 2016
- d) Resolution 95-2015, accepting the proposal of Environmental Consultants, LLC for professional environmental services and directing the Mayor to enter into a contract (unit prices) ****Moved to the end of the agenda***

OLD 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.

Roll Call Vote as Follows:

Council Member Biedenstein	“Yes”
Council Member Griffin	Absent
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 10282.

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. A discussion took place.



WHERE COMMUNITY AND SPIRIT MEET®

Roll Call Vote as Follows:

Council Member Biedenstein	“Yes”
Council Member Griffin	Absent
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 10283.

NEW BUSINESS

Motion was made by Council Member Biedenstein and seconded by Council Member Jaksetic to reconsider 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. A discussion took place. It was requested that the Director of Public Services Bill Bensing be invited to a council work session to explain the details of how the long-term maintenance of Kirkwood streets will be managed. The motion to reconsider failed unanimously.

Bill 10434, changing the zoning from R-3 Single Family to R-4 Single Family on property known as 36, 40, 44, 48 and 52 Ponca Trail and 100 Catawba Trail being a 1.66 acre site on the south side of Ponca Trail and directing such change in the Zoning District Map subject to certain conditions, 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. A discussion took place.

City Attorney John Hessel stated for the record that he was asked to make sure the rezoning was contingent upon approval of the final development plan. Council Member Biedenstein requested that there be a minimum 4 foot tall fence added where the retaining wall used to be. Council Member Luetzow requested to receive further information regarding the trees that were removed and the plan for the replacement of trees. The motion was approved with Council Members Biedenstein and Jaksetic opposed.

The bill received first reading approval and was held over.

Bill 10435, amending the Kirkwood Code of Ordinances, Chapter 14, Section 14-393 “Schedule C: No Parking” to correct the location of restricted parking on Washington Avenue, was



WHERE COMMUNITY AND SPIRIT MEET®

brought before the council. Motion was made by Council Member Biedenstein and seconded by Council Member Jaksetic 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 10436, appropriating \$4,230 from the Equitable Sharing Fund (Fund Balance) to Account #205-1201-429.66.21 for the purchase of six hands-free phones for the Police Department Jail Area, was brought before the council. Motion was made by Council Member Biedenstein and seconded by Council Member Jaksetic 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 10437, fixing and establishing the rate of taxation to be levied upon all real estate and certain tangible personal property in the City of Kirkwood, County of St. Louis, State of Missouri, for the year 2015, for the maintenance of the Kirkwood Public Parks; for the Debt Service Fund for the retirement of City's General Bonded Indebtedness; for the Police and Firemen's Pension Fund; for General Government Services and for businesses in the Special Business District, was brought before the council. Motion was made by Council Member Jaksetic and seconded by Council Member Luetzow to accept the bill for first reading approval. The motion was unanimously approved.

The bill received first reading approval and was held over.

Bill 10438, fixing and establishing the rate of taxation to be levied upon all real estate and certain tangible personal property in the City of Kirkwood, County of St. Louis, State of Missouri, for the year 2015, for the operation and maintenance of the Municipal Library District of Kirkwood, was brought before the council. Motion was made by Council Member Jaksetic and seconded by Council Member Luetzow to accept the bill for first reading approval. The motion was unanimously approved.

The bill received first reading approval and was held over.

CONSENT AGENDA ITEMS FOR DISCUSSION

Resolution 92-2015, 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 Mayor McDonnell and seconded by Council Member Jaksetic to continue the



WHERE COMMUNITY AND SPIRIT MEET®

resolution to the September 17, 2015 meeting. A discussion too place. The motion to continue the resolution to September 17, 2015 was unanimously approved.

Resolution 95-2015, accepting the proposal of Environmental Consultants, LLC, at the unit prices listed on the bid tab sheet (a copy of which is attached hereto and incorporated by reference herein) for professional environmental services 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, was brought before the council. Motion was made by Council Member Ward 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	Absent
Council Member Jaksetic	“Yes”
Council Member Luetzow	“Yes”
Mayor McDonnell	“Yes”
Council Member Sears	“Yes”
Council Member Ward	“Yes”

CITY COUNCIL REPORTS

Council Member Biedenstein stated that it is commendable that Officer Jim Cox was selected as Grand Marshal of the Greentree Festival Parade. Question was asked whether the grass and weeds have been cut in the Ponca Trail Subdivision and if not, asked the City to investigate.

Council Member Jaksetic asked Chief Administrative Officer Russell Hawes if the complaint regarding construction on Julian Place was reported. Chief Administrative Officer Russell Hawes stated that staff has been investigating the issues and they are being addressed. Building Commissioner Jack Schenck is watching the issue concerning the concrete and mud on the street very closely and the City is keeping a close eye on the project. Some citations have been issued, but unable to say exactly what for.

Council Member Sears reported that Chief of Police Jack Plummer had the open house for the new Police Substation in Meacham Park last Sunday.

CHIEF ADMINISTRATIVE OFFICER REPORTS

Mr. Hawes reported that City of Kirkwood received a Special Event Permit Application from Downtown Kirkwood, Debbie McCormac (Moonbeams) and Donna Poe to close the center of West



WHERE COMMUNITY AND SPIRIT MEET®

Jefferson between Kirkwood Road and Clay between 120 and 123 West Jefferson on September 26, 2015 from 10 a.m. to 7 p.m. as part of the Fall Harvest Festival. Motion was made by Council Member Jaksetic and seconded by Council Member Ward to approve the application. A discussion took place. It was requested that if a tent is erected that it be properly installed and secured. The motion was unanimously approved.

CITY CLERK REPORT

Mrs. Montaño reported that the September 2, 2015 Planning and Zoning Commission meeting had been cancelled.

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 September 17, 2015, at 7:00 p.m.

Betty Montaño, MMC/MPCC
City Clerk

Approved: September 17, 2015