



WHERE COMMUNITY AND SPIRIT MEET®

**KIRKWOOD CITY COUNCIL  
KIRKWOOD CITY HALL  
September 17, 2015  
7:00 p.m.**

Pursuant to notice of meeting duly given by the Mayor, the City Council convened on Thursday, September 17, 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 Montaño, and City Attorney John Hessel.

**PRESENTATIONS**

NONE

**INTRODUCTIONS AND RECOGNITIONS**

NONE

**PUBLIC HEARINGS**

NONE

**PUBLIC COMMENTS**

1. Robb Reed, 12801 Big Bend Road, opposed to Bill 10434. Believes approval of the Bill would set a bad precedent for future developers and that it would cause a burden on the City and the School District resources.
2. Jim Widman, 12762 Big Bend, opposed to Bill 10434. Would like the Zoning and Kirkwood ordinances to be followed the way they were intended.
3. Kathy Widman, 12762 Big Bend, opposed to Bill 10434. Would like the City to keep in mind that the area is a unique historical area.
4. Dave Sinclair, 1069 Barberry Lane, opposed to Bill 10434.
5. Petitioner's Representative Daniel Wind, Wind Engineering, 122 N. Kirkwood Road. Delivered a letter to the City from the developer requesting that Bill 10434 and Resolution 97-2015 be continued to the next council meeting.
6. Ellen Edman, 204 East Sarah, opposed to Bill 10434. Also spoke in regards to the Street Restoration Program.

**CONSENT AGENDA**

Motion was made by Council Member Jaksetic and seconded by Council Member Griffin to approve the Consent Agenda. The Consent Agenda was unanimously approved.



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- a) Approval of the September 3, 2015 City Council Meeting Minutes
- b) Resolution 96-2015, approving an upgrade to the City's current Click2Gov Software (\$8,790)
- c) Resolution 98-2015, accepting the bid of Enterprise Consulting Group for add-on SAN equipment for the MIS Department and directing the issuance of a Purchase Order (\$21,000.01)

**OLD BUSINESS**

Motion was made by Council Member Sears and seconded by Council Member Biedenstein to amend the agenda by removing Resolution 93-2015 from the agenda. The motion was unanimously approved.

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 Jaksetic and seconded by Council Member Luetzow to continue the Bill to October 1, 2015. A discussion took place. A protest petition was received by the City in respect to the rezoning of the Bill. Council Member Sears stated for the record that it should not be the expectation that requests for items to be continued will be approved. The motion to continue the Bill to October 1, 2015 was unanimously approved.

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 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 10284.



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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.

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 10285.

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. A discussion took place.

Motion was made by Council Member Biedenstein and seconded by Council Member Ward to amend the Bill by amending Section 1, the fourth paragraph, changing 11.7 cents to 10.7 cents. A discussion took place. The motion failed with Council Members Griffin, Jaksetic, Luetzow, Sears, Ward, and Mayor McDonnell opposed and Council Member Biedenstein in favor.

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 10286.



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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.

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 10287.

#### **NEW BUSINESS**

Bill 10439, amending the Kirkwood Municipal Code, Chapter 1 "General Provisions", Section 1-8 "General Penalty; Continuing Violations," in accordance with Missouri Senate Bill 5, was brought before the council. Motion was made by Council Member Biedenstein and seconded by Council Member Luetzow 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 10440, amending the Kirkwood Municipal Code, Chapter 15 "Municipal Court" in accordance with Missouri Senate Bill 5, 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 10441, amending the Kirkwood Municipal Code, Chapter 14 "Motor Vehicles and Traffic," by deleting "Division 4. Traffic Violations Bureau", was brought before the council. Motion was made by Council Member Sears and seconded by Council Member Luetzow 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.



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Bill 10442, appropriating \$11,154.40 from the Equitable Sharing Fund Balance to Police Department Account #205-1201-429.66.21 to purchase vehicle canine equipment, 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.

Motion was made by Council Member Ward and seconded by Council Member Griffin to bring Substitute Resolution 92-2015 on the floor for consideration. The motion was unanimously approved.

Substitute Resolution 92-2015, accepting the proposal of Jacobs Engineering Group, Inc., in an amount not to exceed \$83,740 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 Luetzow 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”

Resolution 97-2015, approving the Preliminary Development Plan for a Community Unit Plan Type A and Preliminary Subdivision Plat on the property known as 36,40, 44, 48 and 52 Ponca Trail and 100 Catawba Trail in the City of Kirkwood, St. Louis County, Missouri, was brought before the council. Motion was made by Council Member Sears and seconded by Council Member Griffin to continue the Resolution to October 1, 2015. A discussion took place. The motion to continue the Resolution to October 1, 2015 was unanimously approved.

**CONSENT AGENDA ITEMS FOR DISCUSSION**

NONE



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### **CITY COUNCIL REPORTS**

Council Member Jaksetic questioned if the issues previously reported on Julian regarding construction have been addressed. Chief Administrative Officer Russell Hawes stated that a number of tickets have been issued and that the City is keeping a close eye on the area.

Council Member Jaksetic questioned if the temporary “no parking” signs on Quan should be permanent. Chief Administrative Officer Russell Hawes stated that permanent signs have been ordered for no parking from 7:00 a.m. to 4:00 p.m. It was requested that Chief Administrative Officer Russell Hawes speak with the Chief of Police about possibly making the time on the signs to state 24-hour no parking.

Council Member Jaksetic congratulated the Police Department on all of their hard work.

Council Member Biedenstein invited all to attend the Greentree Festival this coming weekend.

### **CHIEF ADMINISTRATIVE OFFICER REPORTS**

Mr. Hawes reported that City of Kirkwood received an Application for Temporary Outdoor Promotional Variance from the Alpine Shop, 440 North Kirkwood Road, to hold their Annual Fall Swap and Sale Event from October 16, 2015 through October 18, 2015. Motion was made by Council Member Griffin and seconded by Council Member Jaksetic to approve the application. The motion was unanimously approved.

Mr. Hawes reported that the City of Kirkwood received a Liquor License Application from MOD Super Fast Pizza, 338 South Kirkwood Road, for intoxicating liquor by the drink plus Sundays. Motion was made by Council Member Biedenstein and seconded by Council Member Jaksetic to approve the application. The motion was unanimously approved.

### **CITY CLERK REPORT**

Mrs. Montaño read the report of the September 16, 2015 Planning and Zoning Commission meeting:

1. The petitioner was 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 October 11, 2015. The petitioner was advised that the Commission will take action on October 7, 2015.
2. Recommended approval of an amendment to 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. Legislation will be prepared for council consideration.
3. A six-month extension was granted on the Site Plan Review approval for CVS Pharmacy



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at 10820 Manchester Road.

Mrs. Montañó also reported that Deputy City Clerk Laurie Asche has achieved the Missouri Registered City Clerk (MRCC) status and designation. This took a lot of hard work and commitment to the profession and the City to obtain this recognition and it is quite an accomplishment. The Council offered its congratulations with a round of applause.

#### **CITY ATTORNEY REPORT**

Mr. Hessel reported that he will not be in attendance at the October 1, 2015 City Council meeting.

#### **ADJOURNMENT**

There being no further business to come before the Council, the meeting was adjourned. The next regular council meeting is scheduled for October 1, 2015, at 7:00 p.m.

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Betty Montañó, MMC/MPCC  
City Clerk

***Approved: October 1, 2015***