

**KIRKWOOD CITY COUNCIL**  
**KIRKWOOD CITY HALL**  
**JUNE 21, 2018**  
**7:00 p.m.**

Pursuant to notice of meeting duly given by the Mayor, the City Council convened on Thursday, June 21, 2018, at 7:00 p.m. at Kirkwood City Hall, 139 South Kirkwood Road, Kirkwood, Missouri. Present were Mayor Griffin, Council Members Duwe, Edman, Luetzow, Ward, and Wurtz. Also in attendance were Chief Administrative Officer Russell Hawes, Assistant Chief Administrative Officer Georgia Ragland, Deputy City Clerk Laurie Asche, and City Attorney John Hessel. Council Member Zimmer and City Clerk Betty Montaña were absent and excused.

**INTRODUCTIONS AND RECOGNITIONS**

NONE

**PRESENTATIONS**

NONE

**PUBLIC HEARINGS**

Mayor Griffin recessed the meeting for the purpose of conducting a public hearing regarding a request to rezone a portion of 1837 Bach Avenue from R-1 to R-2. Mr. Hessel entered the following exhibits into the record: an Affidavit of Publication in the St. Louis Countian on May 11, 2018, as Exhibit 1; an Affidavit of Publication in the Webster Kirkwood Times on May 11, 2018, as Exhibit 2; an aerial view map showing the subject property and the properties that were notified of the 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 meeting dated May 3, 2018, as Exhibit 5; the report of the Planning and Zoning Commission Sub-Committee meeting dated April 18, 2018 signed by Commission Member Jim O'Donnell recommending denial of the request, as Exhibit 6; the report of the Planning and Zoning Commission Sub-Committee meeting dated April 18, 2018 signed by Commission Member Dan Stauder recommending approval of the request, as Exhibit 7; a protest petition dated May 10, 2018, as well as an e-mail from City Planner Jonathan Raiche, as Exhibit 7; a subsequent protest petition, as well as an e-mail from City Planner Jonathan Raiche, as Exhibit 8; the Kirkwood Code of Ordinances as Exhibit 9; and the Comprehensive Land Use Plan adopted by the Planning and Zoning Commission, as Exhibit 10.

City Planner Jonathan Raiche presented information pertaining to the request:

- The petitioner is requesting to rezone a portion, approximately 39,000 square feet, of 1837 Bach Avenue from R-1 to R-2.
- This request does not include a request to subdivide the property, but would allow for a subdivision into two total lots at a later time.
  
- The subject property is 1.98 acres and is currently occupied by a vacant single-family residential home.
- The current owner intends to demolish the existing home and market the property for sale.
- The subject property is bordered by R-1 and R-3 zoned properties.

- The surrounding residential lots range in size from approximately 11,000 square feet to 84,000 square feet.

Mayor Griffin stated for the record that the audio recording was stopped and has been restarted and that the public hearing has resumed.

Petitioner's Agents Skip Dufor and Mark Doery with Doery Engineering made a presentation regarding the stormwater issues.

A discussion took place. Percolation tests have not been completed at this point. A recent topographical survey has not been done. The grade change was provided by the City of Kirkwood GIS system.

### Public Comments

1. Nikki Difani, 1905 Westview Avenue, opposed to the proposed rezoning.
2. Robert Springer, 109-A North Ballas Road, opposed to the proposed rezoning.
3. Jason Difani, 1905 Westview Avenue, opposed to the proposed rezoning.
4. Perrin Marchienne, 1835 Bach Avenue, opposed to the proposed rezoning.
5. April Maldonado, 30 Thornclyff Lane, opposed to the proposed rezoning.
6. Morris Fletcher, 1906 North Signal Hills Drive, opposed to the proposed rezoning.
7. A. C. Marchionne, 1835 Bach Avenue, opposed to the proposed rezoning.
8. Chans Weber, 1831 Boaz Avenue, opposed to the proposed rezoning.
9. Tony Tumminello, 200 South Ballas Road, opposed to the proposed rezoning.
10. Rick Blanner, 107 North Ballas Road, opposed to the proposed rezoning.
11. Michael Carmody, 352 Windgrove Drive, opposed to the proposed rezoning.
12. Gwyn Wahlmann, 1002 West Adams, opposed to the proposed rezoning.
13. Linda Fenton, 1861 North Signal Hills Drive, opposed to the proposed rezoning.
14. Evan Sotiriou, 221 Lindeman Road, opposed to the proposed rezoning.
15. Karen Bauch, 268 South Ballas Road, opposed to the proposed rezoning.
16. Melissa Saale, 319 North Fourth Street, Suite 800, opposed to the proposed rezoning.
17. Josh Levinson, 319 North Fourth Street, Suite 800, opposed to the proposed rezoning.
18. Tessa Torcivig, 319 North Fourth Street, Suite 800, opposed to the proposed rezoning.
19. Eric Breer, 319 North Fourth Street, Suite 800, opposed to the proposed rezoning.
20. Bob Menees, 319 North Fourth Street, Suite 800, opposed to the proposed rezoning.
21. Alan Hopefl, 12 Orchard Way, opposed to the proposed rezoning.
22. Mark Wickersham, 350 Bogey Lane, opposed to the proposed rezoning.
  
23. Esther Green, 236 West Adams Avenue, in favor of the proposed rezoning.
24. Laurie Astroth, 1370 West Adams, opposed to the proposed rezoning.
25. Mary Phelps, 521 West Adams Avenue, opposed to the proposed rezoning.
26. Taylor Hunt, 308 East Adams, opposed to the proposed rezoning.
27. Glenn Minor, 126 East Maple Avenue, in favor of the proposed rezoning.
28. Ron Ryan, 1286 Oakshire Lane, opposed to the proposed rezoning.
29. Amna Habib, P.O. Box 220954, opposed to the proposed rezoning.

The bill will be placed on the July 5, 2018 agenda for first reading consideration.

## **PUBLIC COMMENTS**

1. Daniel McGinnis, 110 North Geyer Road, requested that the City Council approve Resolution 110-2018, the authorization to encroach on the public right-of-way and asked that the building department lift the stop work order.
2. Paul Ward, 310 New York, spoke regarding Resolution 109-2018 and said there needs to be a way to do more.

## **CONSENT AGENDA**

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

- a) Approval of the June 7, 2018 City Council Meeting Minutes
- b) Resolution 108-2018, authorizing the Mayor to enter into a contract with St. Louis County Health Department for mosquito control services
- c) Resolution 109-2018, authorizing an application for use of Community Development Block Grant Funds for the fiscal year 2019 and allocation of funds (\$46,800)
- d) Resolution 111-2018, accepting the bid of SHI International Corp for five Panasonic Toughbook Laptop Computers for the Fire Department and directing the issuance of a Purchase Order (\$25,439.85)
- e) Resolution 112-2018, accepting the bid of Reliable Tree Care for tree pruning and maintenance services with an initial term of 12 months with the option to renew for up to four additional 12 month terms and directing the Mayor to enter into a contract (at the rates provided)
- f) Resolution 114-2018, support for Regent Power's grant application for fast charging electric vehicle charging stations from various entities
- g) Resolution 115-2018, accepting the proposal of GBA for Design Services for the reconstruction of Quan Avenue and authorizing and directing the Mayor to enter into a contract (not to exceed \$170,000)
  
- h) Resolution 116-2018, transferring funds accepting the bid of Capitol City Chrysler (pursuant to MoDOT Cooperative Contract) for the purchase of a Ram 2500 Crew
- i) Cab Utility 2WD Vehicle for the Water Department and authorizing and directing the Director of Procurement to issue a Purchase Order (\$32,552)
- j) Resolution 117-2018, accepting the bid of Capitol City Chrysler (pursuant to MoDOT Cooperative Contract) for the purchase of a Ram 2500 Crew Cab Short Bed 2WD Vehicle for the Sanitation Department and authorizing and directing the Director of Procurement to issue a Purchase Order (\$27,281)
- k) Resolution 118-2018, transferring funds, accepting the bid of Elliott Equipment (pursuant to NJPA Contract) for the purchase of a Peterbilt 520-50,000GVW Single Axle Chassis with NewWay Body for the Sanitation Department and authorizing and directing the Director of Procurement to issue a Purchase Order (\$252,545.46)
- l) Resolution 119-2018, accepting the bid of Elliott Equipment (pursuant to NJPA Contract) for the purchase of a 2019 Isuzu NRR 19,500 GVWR Chassis with
- m) NewWay Body for the Sanitation Department and authorizing and directing the Director of Procurement to issue a Purchase Order

(\$103,504.82)

### **UNFINISHED BUSINESS**

Bill 10649, vacating a 10' wide easement on a tract of land being Lot 5 of Weatherfield Lane as recorded in Plat Book 137, Page 82, located in the City of Kirkwood, St. Louis County, Missouri, was brought before the council.

Mayor Griffin	"Yes"
Council Member Zimmer	Absent
Council Member Ward	"Yes"
Council Member Wurtz	"Yes"
Council Member Luetzow	"Yes"
Council Member Duwe	"Yes"
Council Member Edman	"Yes"

The bill, having received majority approval of the council, was adopted and became Ordinance 10495.

Bill 10650, authorizing and directing the Mayor to enter into an Illuminated Street Sign Maintenance and Power Supply Agreement with the Missouri Highways and Transportation Commission for the CMAQ 5502(605) Project, was brought before the council.

Mayor Griffin	"Yes"
Council Member Zimmer	Absent
Council Member Ward	"Yes"
Council Member Wurtz	"Yes"
Council Member Luetzow	"Yes"
Council Member Duwe	"Yes"
Council Member Edman	"Yes"

The bill, having received majority approval of the council, was adopted and became Ordinance 10496.

Bill 10651, vacating a 15' wide portion of a public right-of-way known as Cherry Street in the Westchester Subdivision recorded in Plat Book 19, Page 32, St. Louis County, Missouri, was brought before the council.

Mayor Griffin	"Yes"
Council Member Zimmer	Absent
Council Member Ward	"Yes"
Council Member Wurtz	"Yes"
Council Member Luetzow	"Yes"
Council Member Duwe	"Yes"
Council Member Edman	"Yes"

The bill, having received majority approval of the council, was adopted and became Ordinance 10497.

Bill 10652, authorizing and directing the Mayor to enter into Traffic Signal and

Lighting Facilities Agreement with the Missouri Highways and Transportation Commission for the CMAQ 5502(605) Project, was brought before the council.

Mayor Griffin	“Yes”
Council Member Zimmer	Absent
Council Member Ward	“Yes”
Council Member Wurtz	“Yes”
Council Member Luetzow	“Yes”
Council Member Duwe	“Yes”
Council Member Edman	“Yes”

The bill, having received majority approval of the council, was adopted and became Ordinance 10498.

### **NEW BUSINESS**

Bill 10653, changing the zoning from R-1 Single-Family Residential District to R-3 Single-Family Residential District on property known as 1506 Dougherty Ferry Road and a portion of property known as 1340 Bryan Meadows Court being an approximately 0.89 acre site near the intersection of Dougherty Ferry Road and West Essex Avenue and directing such change in the Zoning District Map, was brought before the council. Motion was made by Council Member Duwe and seconded by Council Member Edman to accept the bill for first reading approval. The motion was unanimously approved.

The bill received first reading approval and was held over.

Bill 10654, amending the Kirkwood Code of Ordinances, Chapter 14, Section 14-393 “Schedule C: No Parking” by adding no parking on the east side of Applewood Drive from Dougherty Ferry to Bedford Oaks Drive, was brought before the council. Motion was made by Council Member Ward and seconded by Council Member Wurtz to accept the bill for first reading approval. The motion was unanimously approved.

The bill received first reading approval and was held over.

Bill 10655, amending the Kirkwood Code of Ordinances, Chapter 14, Section 14-393 “Schedule C: No Parking” by removing Argonne Avenue, north side, from Handlan Court to Clark Avenue, was brought before the council. Motion was made by Council Member Luetzow and seconded by Council Member Edman to accept the bill for first reading approval. The motion was unanimously approved.

The bill received first reading approval and was held over.

Bill 10656, reappropriating \$143,445 from Fiscal Year 2017/2018 to Fiscal Year 2018/2019 for the Public Services Department, was brought before the council. Motion was made by Council Member Ward 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 10657, reappropriating \$32,290 to an Engineering Department account for upcoming sidewalk projects, was brought before the council. Motion was made by Council Member Duwe and seconded by Council Member Wurtz to accept the bill for first reading approval. The motion was unanimously approved.

The bill received first reading approval and was held over.

Bill 10658, appropriating \$100,000 from the General Fund (Fund Balance) to an operating account for economic development opportunities, was brought before the council. Motion was made by Council Member Ward 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.

Resolution 110-2018, granting the property owner of 110 North Geyer Road, Kirkwood, Missouri, authorization for an encroachment of approximately 2 feet into the public right-of-way beginning at the south property line and consistently increase to a width of 4 feet to a point of 92 feet from the south property line to reconstruct a private retaining wall, was brought before the council. Motion was made by Council Member Edman and seconded by Council Member Luetzow to accept the Resolution as read.

Roll Call Vote as Follows:

Mayor Griffin	“No”
Council Member Zimmer	Absent
Council Member Ward	“No”
Council Member Wurtz	“No”
Council Member Luetzow	“No”
Council Member Duwe	“No”
Council Member Edman	“No”

Resolution 113-2018, support of the Downtown Master Plan and Parking Study for the City of Kirkwood, was brought before the council. Motion was made by Council Member Ward and seconded by Council Member Duwe to accept the Resolution as read.

Roll Call Vote as Follows:

Mayor Griffin	“Yes”
Council Member Zimmer	Absent
Council Member Ward	“Yes”
Council Member Wurtz	“Yes”
Council Member Luetzow	“Yes”
Council Member Duwe	“Yes”
Council Member Edman	“Yes”

**CONSENT AGENDA ITEMS FOR DISCUSSION**  
NONE

**CITY COUNCIL REPORTS**

Council Member Luetzow reported that she attended a meeting in Jefferson City relating to

the Missouri Municipal League Policy Committee.

Mayor Griffin reminded everyone of the Freedom Festival that will take place on July 4<sup>th</sup>.

### **CHIEF ADMINISTRATIVE OFFICER REPORT**

Mr. Hawes advised that the Supreme Court mad a favorable opinion of equity of all business online. He also reported that the 2<sup>nd</sup> annual Route 66 Cars and Guitars Festival and was successful.

### **CITY ATTORNEY REPORT**

Mr. Hessel had nothing to report.

### **CITY CLERK REPORT**

Ms. Asche read the report of the June 20<sup>th</sup> Planning and Zoning Commission. The following action took place:

1. The Commission recommended approval of a Special Use Permit for Autos of Europe for a motor vehicle repair (major) facility at 902 South Kirkwood Road. A public hearing will be scheduled.
2. After a presentation by Total Access Urgent Care for a Site Plan Review for a new building at 915 North Kirkwood Road, a subcommittee consisting of Commissioners Oughton and Drewel was appointed. The subcommittee will meet on the site June 25 at 7:30 a.m.
3. The Commission elected the following slate of officers:  
Chairman – Allen Klippel  
Vice Chairman – Jim O'Donnell  
Secretary/Treasurer – Kathy Oughton

### **ADJOURNMENT**

There being no further business to come before the Council, the meeting was adjourned at 10:25 p.m. The next regular council meeting is scheduled for July 5, 2018, at 7:00 p.m.

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Laurie Asche, CMC/MRCC  
Deputy City Clerk

***Approved: July 5, 2018***