



WHERE COMMUNITY AND SPIRIT MEET®

**KIRKWOOD CITY COUNCIL  
KIRKWOOD CITY HALL  
DECEMBER 7, 2017  
7:00 p.m.**

Pursuant to notice of meeting duly given by the Mayor, the City Council convened on Thursday, December 7, 2017, at 7:00 p.m. at Kirkwood City Hall, 139 South Kirkwood Road, Kirkwood, Missouri. Present were Mayor Griffin, Council Members Duwe, Edman, Luetzow, Sears Ward, and Zimmer. 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**

Deputy Fire Chief Dave Smith presented the Certificate of Completion to Fire Engineer Michael Bazzoni for the Managing Officer Program through National Fire Academy.

**PUBLIC HEARINGS**

**Public Hearing #1**

Mayor Griffin recessed the meeting for the purpose of conducting a public hearing regarding a request to rezone 103 North Taylor Avenue from R-5 to B-2. Mr. Hessel entered the following exhibits into the record: an Affidavit of Publication in the St. Louis Countian on November 9, 2017, as Exhibit 1; an Affidavit of Publication in the Webster Kirkwood Times on November 10, 2017, 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 dated November 2, 2017, as Exhibit 5; the Planning and Zoning Commission Subcommittee Report dated November 1, 2017, as Exhibit 6; and the Kirkwood Code of Ordinances as Exhibit 7.

City Planner Jonathan Raiche presented information pertaining to the request:

- The petitioner has submitted a request for rezoning from the current R-5, Multiple-family Residential District to B-2, General Business District (Central Business District).
- A one-story office building that currently occupies the site and includes three tenant spaces.
- One of the tenant spaces is occupied by the property owner's dental practice.
- The R-5 District would typically require a Special Use Permit for General Office use and does not allow for Medical Office use.
- This current use of this property is considered a legal non-conforming use.



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- The petitioner is requesting the rezoning in an effort to remove the legal non-conforming status of the property.

The City Council asked questions pertaining to the site and the buffer that the current zoning allows between residential and commercial. Other questions about the need to change the zoning rather than leaving it a non-conforming use were answered.

The bill will be placed on the December 21, 2017 agenda for first reading consideration.

### **Public Hearing #2**

Mayor Griffin recessed the meeting for the purpose of conducting a public hearing regarding a request for a Site Plan to construct a parking lot at 120 West Monroe Avenue. Mr. Hessel entered the following exhibits into the record: an Affidavit of Publication in the St. Louis Countian on November 9, 2017, as Exhibit 1; an Affidavit of Publication in the Webster Kirkwood Times on November 10, 2017, 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 dated November 2, 2017, as Exhibit 5; the Planning and Zoning Commission Subcommittee Report dated November 1, 2017, as Exhibit 6; and the Kirkwood Code of Ordinances as Exhibit 7.

City Planner Jonathan Raiche presented information pertaining to the request:

- The petitioner is requesting Site Plan Approval for the construction of a 17-space parking lot.
- It is believed that the additional parking spaces will be used by employees of Pioneer Place that will provide more parking for customers on the parking lot behind the building.
- The proposed parking lot will provide additional parking and access to the signalized intersection of Monroe Avenue and Kirkwood Road for the Pioneer Place shopping center.
- Two recommendations from the Planning and Zoning Commission are to; have a 5 foot wide continental-style striped pedestrian walkway along the east side of the proposed parking lot from West Monroe Avenue on the north to the property line with Pioneer Place on the south, and one parking space to be used for a bicycle rack for six bikes.

The City Council asked questions regarding the parking lot and the need. It was explained that a parking lot is allowed in the zoning district and that the council is reviewing the site plan as part of the new zoning ordinance.

The bill will be placed on the December 21, 2017 agenda for first reading consideration.



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### **Public Hearing #3**

Mayor Griffin recessed the meeting for the purpose of conducting a public hearing regarding a request to amend the Zoning Code regarding setbacks for corner lots in the R-3 and R-4 Zoning Districts. Mr. Hessel entered the following exhibits into the record: an Affidavit of Publication in the St. Louis Countian on November 9, 2017, as Exhibit 1; an Affidavit of Publication in the Webster Kirkwood Times on November 10, 2017, as Exhibit 2; the report of the Planning and Zoning Commission dated November 2, 2017, as Exhibit 3; the Planning and Zoning Commission Subcommittee Report dated November 1, 2017, which includes Exhibit B: Survey of Nearby Municipalities, and Exhibit C: Proposed Language, as Exhibit 4; and the Kirkwood Code of Ordinances as Exhibit 5.

City Planner Jonathan Raiche presented information pertaining to the request:

- The Planning and Zoning Commission recommends a 20%/30% Secondary Front Yard setback, which would eliminate some of the instances in which lots would have an impractical building envelope width.
- The amendment would decrease the amount of corner lot cases the Board of Adjustment would consider by 66%.

#### Public Comments

1. Taylor Hunt, 308 E. Adams, opposed to the proposal.

The bill will be placed on the December 21, 2017 agenda for first reading consideration.

### **Public Hearing #4**

Mayor Griffin recessed the meeting for the purpose of conducting a public hearing regarding a request to amend the Zoning Code regarding the lighting regulations in Section A-1040. Mr. Hessel entered the following exhibits into the record: an Affidavit of Publication in the St. Louis Countian on November 9, 2017, as Exhibit 1; an Affidavit of Publication in the Webster Kirkwood Times on November 10, 2017, as Exhibit 2; the report of the Planning and Zoning Commission dated November 2, 2017, as Exhibit 3; a Memorandum from City Planner Jonathan Raiche dated October 24, 2017, as Exhibit 4; and the Kirkwood Code of Ordinances as Exhibit 5.

City Planner Jonathan Raiche presented information pertaining to the request:

- Staff has identified language in the current Lighting Regulations (Section A-1040) of the City's Zoning Code which may be interpreted in such a manner so as to present an ambiguity between the literal requirements of Section A-1040.5(2) and the Purpose of General Standards of Section A-1040.

The bill will be placed on the December 21, 2017 agenda for first reading consideration.



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### **Public Hearing #5**

Mayor Griffin recessed the meeting for the purpose of conducting a public hearing regarding the proposed issuance of not to exceed \$25,000,000 principal amount of Certificates of Participation (City of Kirkwood, Missouri, Lessee), Series 2017, to finance the costs of acquiring, constructing, furnishing, and equipping a new Performing Arts Center and improvements to facilities in Kirkwood Park including the renovation of the City's Community Center. Mr. Hessel entered the following exhibits into the record: an Affidavit of Publication in the St. Louis Countian on November 21, 2017, as Exhibit 1; Preliminary Offering Statements, as Exhibit 2; and the Kirkwood Code of Ordinances as Exhibit 3.

Director of Parks and Recreation Murray Pounds presented information pertaining to the request:

- The bonds will be used for the purpose of financing the costs of acquiring, construction, furnishing, and equipping a new Performing Arts Center and improvements to facilities in Kirkwood Park including the renovation of the City's Community Center.

The bill is under New Business as Item #3, Bill 10601 for first reading consideration.

### **PUBLIC COMMENTS**

NONE

### **CONSENT AGENDA**

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

- a) Approval of the November 16, 2017 City Council Meeting Minutes
- b) Resolution 148-2017, transferring funds from Electric Department unused contingency dollars to fund the Circuit 2 and Circuit 5 FY18 circuit conversion projects (\$70,000)
- c) Resolution 149-2017, increasing the contract amount with Frontenac Engineering to allow additional preliminary engineering for reducing the chance of flooding at the Train Station (\$6,000 increase total contract to \$15,920)
- d) Resolution 150-2017, accepting the bid of Black and McDonald for Verizon Make Ready Project #1 and directing the Mayor to enter into a contract (not to exceed \$32,474)
- e) Resolution 154-2017, appointing Bob Mosby the Greentree Festival Committee through December 2020



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**OLD BUSINESS**

Bill 10596, appropriating \$1,212,806 from the Electric Fund (Fund Balance) to the Purchase Power Account for purchase power expenses, was brought before the council.

Roll Call Vote as Follows:

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

The bill, having received majority approval of the council, was adopted and became Ordinance 10443.

Bill 10597, appropriating funds in the amount of \$17,558 from the Equitable Sharing Fund Balance to an operating account and approving a contract amendment with JW Fuller Construction, LLC, in the not to exceed amount of \$17,558 (includes \$1,596 contingency) for Police Dispatch renovations, was brought before the council.

Roll Call Vote as Follows:

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

The bill, having received majority approval of the council, was adopted and became Ordinance 10444.

Bill 10598, appropriating \$5,298 from the Equitable Sharing Fund Balance to an expenditure account and approving an increase to the contract with Bick Group for the installation of raised flooring in the Police Department dispatch area, was brought before the council.



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Roll Call Vote as Follows:

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

The bill, having received majority approval of the council, was adopted and became Ordinance 10445.

**NEW BUSINESS**

Bill 10599, granting a Special Use Permit amendment for a restaurant, outdoor seating, and outdoor uses in conjunction with said restaurant use at 127 and 133 West Clinton Place subject to certain conditions, 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 10600, appropriating \$1,935 from MoDOT Grant proceeds received to Revenue/Grants and then to an expenditure account to purchase Stanchions for use during rentals and special events at the Train Station, was brought before the council. Motion was made by Council Member Zimmer and seconded by Council Member Duwe to accept the bill for first reading approval. The motion was unanimously approved.

The bill received first reading approval and was held over.

Bill 10601, authorizing the City of Kirkwood, Missouri, to enter into a Lease Purchase Transaction, the proceeds of which will be used to pay the costs of certain improvements within the City and other costs related thereto; appropriating basic rent payments for the original term; and authorizing the execution of certain documents and actions in connection therewith, was brought before the council. Motion was made by Council Member Ward and seconded by Council Member Duwe to accept the bill for first reading approval. The motion was unanimously approved.

The bill received first reading approval and was held over.



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Bill 10602, amending the Kirkwood Code of Ordinances Chapter 18, Section 18-1 to add the Performing Arts Center to the list of Kirkwood Parks, was brought before the council. Motion was made by Council Member Duwe 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 151-2017, accepting a proposal for Underwriting; selecting an Underwriter in connection with the proposed delivery by the City of its Certificates of Participation (City of Kirkwood, Missouri, Lessee), Series 2017; and acknowledging certain matters pursuant to MSRB Rules, was brought before the council. Motion was made by Council Member Ward and seconded by Council Member Zimmer to accept the Resolution as read.

Roll Call Vote as Follows:

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

Resolution 152-2017, authorizing and directing the Mayor to enter into an agreement with the Kirkwood Theater Guild for use of the proposed Performing Arts Center and to fund a portion of the construction of said facility, was brought before the council. Motion was made by Council Member Duwe and seconded by Council Member Luetzow to accept the Resolution as read.

Roll Call Vote as Follows:

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



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Resolution 153-2017, authorizing and directing the Mayor to enter into an agreement with Stages St. Louis for use of the proposed Performing Arts Center and to fund a portion of the construction of said facility, was brought before the council. Motion was made by Council Member Luetzow and seconded by Council Member Edman to accept the Resolution as read.

Roll Call Vote as Follows:

Mayor Griffin	"Yes"
Council Member Ward	"Yes"
Council Member Zimmer	"Yes"
Council Member Duwe	"Yes"
Council Member Edman	"Yes"
Council Member Luetzow	"Yes"
Council Member Sears	"Yes"

#### **CONSENT AGENDA ITEMS FOR DISCUSSION**

NONE

#### **CITY COUNCIL REPORTS**

NONE

#### **CHIEF ADMINISTRATIVE OFFICER REPORT**

Mr. Hawes reported that the City of Kirkwood received an application from Wasabi Kirkwood, LLC for a liquor license to sell intoxicating liquor by the drink including Sundays. Motion was made by Council Member Ward and seconded by Council Member Luetzow to approve the request. The motion was unanimously approved.

#### **CITY ATTORNEY REPORT**

Mr. Hessel had nothing to report.

#### **CITY CLERK REPORT**

Mrs. Montañó read the report of the December 6, 2017 Planning and Zoning Commission meeting. The following action took place:

1. After a presentation for a building addition and parking lot expansion for Concordia Lutheran Church at 505 South Kirkwood Road, a subcommittee consisting of Commissioners Mallinckrodt and Oughton was appointed. A subcommittee meeting at the site was scheduled for December 13 at 7:30 a.m.
2. After a presentation for a building addition for Aldi at 1125 South Kirkwood Road, a subcommittee consisting of Commissioners Klippel and Eagleton was appointed. A subcommittee meeting at the site was scheduled for December 11 at 8:15 a.m.





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3. At the request of Ashfield Active Living and Wellness Communities, the Commission extended the Automatic Approval Date for Phase 2 of Aberdeen Heights to March 31, 2018.

Mrs. Montaña reported that she met with Larry Hickman, Senior Vice President, Bethesda Health Group regarding Bethesda's 2017 voluntary contribution in the amount of \$5,927.66 to help defray the city's emergency service expenses. In addition, Bethesda also spent \$18,000 in communication equipment for the Fire Department that will greatly assist them.

#### **ADJOURNMENT**

There being no further business to come before the Council, the meeting was adjourned at 8:31 p.m. The next regular council meeting is scheduled for December 21, 2017, at 7:00 p.m.

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Betty Montaña, MMC/MPCC  
City Clerk

***Approved: December 21, 2017***