



WHERE COMMUNITY AND SPIRIT MEET™

**City Council Meeting Minutes
Kirkwood City Hall
Thursday, January 19, 2023, 7:00 p.m.**

Pursuant to notice of meeting duly given by the Mayor, the City Council convened on Thursday, January 19, 2023, at 7:00 p.m. at Kirkwood City Hall, 139 South Kirkwood Road, Kirkwood, Missouri. Present were Mayor Griffin, Council Members Duwe, Gibbons, Luetzow, Sears, Ward and Zimmer. Also in attendance were Chief Administrative Officer Russell Hawes, Assistant Chief Administrative Office David Weidler, City Clerk Laurie Asche, Planning and Development Services Director Jonathan Raiche, City Planner I Christine Voelker, Director of Electric Mark Petty, and City Attorney John Hessel.

INTRODUCTIONS AND RECOGNITIONS

NONE

PRESENTATION

NONE

PUBLIC HEARINGS

Mayor Griffin recessed the meeting for the purpose of conducting a public hearing regarding a request for a Zoning Code Text Amendment for Recreational Marijuana. Mr. Hessel entered the following exhibits into record: an Affidavit of Publication in the Legal Ledger on December 29, 2022, 2022, as Exhibit 1; an Affidavit of Publication in the Countian on December 29, 2022, 2022, as Exhibit 2; an Affidavit of Publication in the Webster-Kirkwood Times on January 6, 2023, as Exhibit 3; a memo from Planning & Development Services Director Jonathan Raiche dated December 21, 2022, as Exhibit 4; the report of the Planning and Zoning Commission dated December 22, 2022, as Exhibit 5; and the Kirkwood Code of Ordinances, as Exhibit 6.

Planning & Development Services Director Jonathan Raiche presented information pertaining to the request:

- Missouri voters of approved a Constitutional Amendment 3 regarding the legalization of recreational marijuana.
- In summary, Amendment 3:
 - legalizes the sale of recreational marijuana for adults twenty-one (21) years of age or older,
 - prohibits arrests and/or penalties for personal possession and cultivation of limited amounts of marijuana,
 - allows the expungement of criminal records for certain marijuana-related offenses,
 - provides regulations for Missouri's recreational marijuana industry, and
 - establishes guidelines for local governments.
- A broad summary of changes was presented.
- Use specific standards are being revised. Public parks as a public buffer requirement did not align with the Constitutional Amendment 3.
- It is recommended to remove public parks from the public buffer requirement.
- No further changes to the 1,000 ft. public buffer are being recommended.



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- The City may not prohibit recreational marijuana facilities without the passage of a referendum by Kirkwood voters, but is allowed to establish ordinances governing the time, place, and manner of such facilities so long as such regulations are not unduly burdensome.
- The City adopted an ordinance allowing medical marijuana facilities in 2018 when those were legalized by the State.
- Two additional pieces of legislation with amendments to the offenses provision of the Kirkwood Code of Ordinances will be placed on the February 2, 2023 agenda.

Council discussion:

- Question was raised regarding what is allowed in B-3 Zoning. Dispensaries only are allowed in B-3.
- Question was raised regarding if the City can obligate facility owners to certain levels of security.

The Bill will be placed on the February 2, 2023 agenda for first reading consideration.

PUBLIC COMMENTS

NONE

CONSENT AGENDA

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

- a) Approval of the January 5, 2023 Council Meeting Minutes
- b) Resolution 4-2023, reappointing members to the Downtown Special Business District Advisory Commission

UNFINISHED BUSINESS

NONE

NEW BUSINESS

Bill 10958, granting a Special Use Permit for an Animal Facility, Major with Outdoor Use at 10320 Manchester Road (Greentree Center), subject to certain conditions was brought before the council. Motion was made by Council Member Zimmer and seconded by Council Member Luetzow to accept the bill for first reading approval.

The bill received first reading approval and was held over.

Resolution 5-2023, accepting the bid of First Student at the rates provided in the memo for bus transportation for the Recreation Department on an as needed basis, for an initial term of 12 months with the option to renew for up to four additional 12 month terms, pending budgetary approval, and authorizing and directing the Mayor to enter into a contract was brought before the



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council. Motion was made by Council Member Ward and seconded by Council Member Gibbons to accept the Resolution as read.

Roll Call:

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

Resolution 6-2023, amending the contract with Luzco Technologies, LLC by increasing the amount by \$250,000 for a total not to exceed amount of \$1,090,000 for Utility Design and Project Management Services for the Electric Department and authorizing and directing the Mayor to enter into an amended contract was brought before the council. Motion was made by Council Member Duwe and seconded by Council Member Ward to accept the Resolution as read.

Roll Call:

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

CONSENT AGENDA ITEMS FOR DISCUSSION

NONE

CITY COUNCIL REPORTS

NONE

CHIEF ADMINISTRATIVE OFFICER REPORT

Mr. Hawes reported that the City has received an Application for Liquor License, to sell intoxicating liquor by the drink, plus Sunday, from Heaterz Hot Chicken at 129 West Jefferson. Motion was made by Council Member Luetzow and seconded by Council Member Ward to approve the application. The application was unanimously approved.



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CITY ATTORNEY REPORT

Mr. Hessel had nothing to report.

CITY CLERK REPORT

Ms. Asche read the report of the January 18, 2023 Planning & Zoning Commission meeting. The following action was taken:

1. The Commission recommended approval of a Special Use Permit and Major Site Plan Review for Vehicle Sales and Rental, at 10230 Manchester Road (Audi Kirkwood) by a vote of 8-0. The applicant proposes a new building on the existing dealership site. **A public hearing will be scheduled for February 16, 2023.**

ADJOURNMENT

There being no further business to come before the Council, the formal meeting was adjourned at 7:24 p.m. The next regular council meeting is scheduled for February 2, 2023 at 7:00 p.m.

Laurie Asche
City Clerk

Approved: February 2, 2023