



WHERE COMMUNITY AND SPIRIT MEET®

**City Council Meeting Minutes
Kirkwood City Hall
Thursday, November 7, 2024, 7:00 p.m.**

Pursuant to notice of meeting duly given by the Mayor, the City Council convened on Thursday, November 7, 2024, at 7:00 p.m. at Kirkwood City Hall, 139 South Kirkwood Road, Kirkwood, Missouri. Present: Mayor Gibbons, Council Members Jaksetic, Luetzow, McLean, Rheinnecker, Schaefer, and Zimmer. Also in attendance were Assistant Chief Administrative Officer David Weidler, City Clerk Laurie Asche, Electric Director Mark Petty, Public Services Director Chris Krueger, Planning & Development Services Director Jonathan Raiche, City Planner II Amy Lowry, and City Attorney John Hessel.

INTRODUCTIONS AND RECOGNITIONS

NONE

PRESENTATIONS

Urban Forestry Commission Chair Mike Hankins presented the Urban Forestry Commission Annual Report for 2022-2023 to the City Council.

Urban Forestry Commission Chair Mike Hankins presented the Urban Forestry Commission Advocate Award to Jerry Pence for his dedication to horticulture and tree diversity in Kirkwood.

PUBLIC HEARINGS

Mayor Gibbons recessed the meeting for a request for a Zoning Text Amendment on Garage Design in residential zoning districts, Section 25-48(f), specifically for the R-MM Zoning District. City Attorney John Hessel entered the following exhibits into record: an Affidavit of Publication in The Countian on October 11, 2024, as Exhibit 1; an Affidavit of Publication an Affidavit of Publication in the Webster-Kirkwood Times on October 11, 2024, as Exhibit 2; a list of properties that were notified of the hearing as Exhibit 3; an aerial view map showing the subject property, as Exhibit 4; a report from the Planning and Zoning Commission Subcommittee recommending approval of Zoning Text Amendment on Garage Design in residential zoning districts, Section 25-48(f), specifically for the R-MM Zoning District dated October 2, 2024, as Exhibit 5; a report from the Planning and Zoning Commission with a vote of 6-0 recommending approval of a Zoning Code Text Amendment on Garage Design in residential zoning districts, Section 25-48(f), specifically for the R-MM Zoning District dated October 3, 2024, as Exhibit 6; and the Kirkwood Code of Ordinances, as Exhibit 7. Mr. Hessel stated for the record the same exhibits will be offered for the second public hearing, as well as all testimony presented considering the rezoning will become part of the record associated with the consideration of the Zoning Text Amendment and Zoning Map Amendment.

City Planner II Amy Lowry presented the matter to the Council:

- The property is between 2 large multi-family condo projects.
- There's a single-family home on the western end of the block and single-family homes to the south.



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- Lot is approximately 61' by 153 and 9,293 sq. ft. and currently contains a single-family residence.
- This property is within the Downtown Master Plan Study Area, so the maximum density is 43 dwelling units per acre.
- The R-MM structure may be slightly lower in height if the roof is not flat as we measure to the top of the roof for that structure but to the mean height between the eaves and ridge for R-5.
- The P&Z decided to limit the size of the doors on a project because that is what will be seen visually, versus limiting the total length of the garage interior to the building.
- The Zoning Code changed many uses from Special to Permitted with Standards in 2021 and grouped together uses related to a person or a person's possessions as "personal and commercial service."
- P&CS is a Permitted Use with Standards in the B-2 zoning district. Those standards are then in section 25-36(y).
- Lot is west of Woodbine Center, north of 2 condo projects, south of office uses, and east (across S. Clay) of single-family residences.
- The block was zoned B-4, Planned Commercial, in 1968 from R-5 multifamily on a request from Southwestern Bell to construct a division office on the site.
- Lot is west of Woodbine Center, north of 2 condo projects, south of office uses, and east (across S. Clay) of single-family residences.
- The Commission discussed that the proposed zoning is more restrictive than the current commercial zoning and referenced their recent recommendation of approval of a more intense zoning map amendment nearby at 119 W. Woodbine Avenue.

Some discussion took place as follows:

- A question was raised asking if this will adversely affect the front yard setback.
 - This should not apply if the lot is narrow.
- A question was raised asking if there could be any adverse consequences with RMM structures or any loopholes there might be.
 - Each RMM rezoning will need to come before Council.
- A question was raised asking if the City rezone this from the current to the proposed, the apply Citywide.
 - No, the text amendment will apply Citywide, but the rezoning is only applied to this particular lot.
- A question was raised asking how the water mitigation going to work if we change the setback to 8ft.
 - They will still need to do the stormwater project

Petitioner Jack Davis was in attendance to answer any questions from the Council.

The Bill will be placed on the November 21, 2024, agenda for consideration.



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Public Hearing #2

Mayor Gibbons recessed the meeting for the purpose of conducting a public hearing regarding a request for a Zoning Map Amendment from R-5 to R-MM for 223 West Monroe Avenue. Mr. Hessel stated that exhibits 1 through 7 and all testimony and discussion that took place during the first public hearing be made a part of the record for this public hearing.

The Bill will be placed on the November 21, 2024, agenda for consideration.

PUBLIC COMMENTS

1. Sandra James, 336 N. Harrison Ave., commented about animal control and parking availability at her residence.
2. Gerry Biedenstein, 1035 Claridge Pl., made remarks thanking the Kirkwood Street Department.

CONSENT AGENDA

Motion was made by Council Member Zimmer and seconded by Council Member Schaefer to approve the Consent Agenda. The minutes were approved with Mayor Gibbons and Council Member McLean abstaining.

- a) Approval of the October 17, 2024 Council Meeting Minutes

UNFINISHED BUSINESS

Motion was made by Council Member Rheinacker and seconded by Council Member Schaefer to bring Bill 11052 to the floor for reconsideration. The motion was unanimously approved.

Bill 11052, changing the zoning from B-1, Neighborhood Commercial District, to R-5, Multifamily Residential District, on the property known as 430 South Clay Avenue, being an approximately 0.52 acre site on the east side of South Clay Avenue and directing such change in the Zoning District Map was brought before the City Council. Motion was made by Council Member McLean and seconded by Council Member Schaefer to accept the bill as read. A discussion took place.

Motion was made by Council Member Luetzow and seconded by Council Member Schaefer to suspend Robert's Rule of Order to allow the petitioner to address the City Council. The motion was unanimously approved. A discussion took place.

The bill passed first reading with Mayor Gibbons, and Council Members Luetzow, McLean, Rheinacker, Schaefer, and Zimmer in favor. Council Member Jaksetic was opposed.

Motion was made by Council Member Jaksetic and seconded by Council Member Rheinacker to bring Resolution 146-2024 to the floor for reconsideration. The motion was approved with Council Member McLean opposed.



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Resolution 146-2024, accepting the bid of Cordelio/Winfield in the amount not to exceed of \$1,687,500 annually for the purchase of Capacity for the Electric Department for a term of 8 years beginning June 2025 and authorizing and directing the Director of Procurement to issue a Purchase Order was brought before the City Council. Motion was made by Council Member Schaefer and seconded by Council Member McLean to accept the Resolution as read. A discussion took place.

Roll Call:

Mayor Gibbons	“Yes”
Council Member Luetzow	“Yes”
Council Member McLean	“Yes”
Council Member Rheinnecker	“Yes”
Council Member Schaefer	“Yes”
Council Member Zimmer	“Yes”
Council Member Jaksetic	“Yes”

NEW BUSINESS

Bill 11053, amending the provisions of the Municipal Code, Chapter 25 – Zoning and Subdivision by changing the Use-Specific Standards for the Personal and Commercial Service Use in the B-2, Central Business District was brought before the City Council. Motion was made by Council Member Zimmer and seconded by Council Member Luetzow to accept the bill as read.

The bill received first reading approval and was held over.

Bill 11054, amending the Kirkwood Code of Ordinances, Chapter 4 “Animals and Fowl”, Section 4-3 “Reserved” by imposing a prohibition on the supplemental feeding of deer was brought before the City Council. Motion was made by Council

Member Luetzow and seconded by Council Member McLean to accept the Resolution as read. A discussion took place.

The bill failed with Mayor Gibbons, Council Members Jaksetic and Luetzow in favor. Council Members McLean, Rheinnecker, Schaefer, and Zimmer were opposed.

Resolution 151-2024, authorizing and directing the Mayor to enter into a Third Amended and Restated Wholesale Distribution Service Agreement with Ameren for Substation Transmission Service Upgrades for an additional \$3,870.18 per month for a new total monthly amount of \$77,196 for 360 months, for a total spend of \$926,352 beginning in Fiscal Year 2027 was brought before the City Council. Motion was made by Council Member Schaefer and seconded by Council Member Rheinnecker to accept the Resolution as read. A discussion took place.

Roll Call:



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Mayor Gibbons	“Yes”
Council Member Luetzow	“Yes”
Council Member McLean	“Yes”
Council Member Rheinnecker	“Yes”
Council Member Schaefer	“Yes”
Council Member Zimmer	“Yes”
Council Member Jaksetic	“Yes”

Resolution 152-2024, accepting the bid of PLM, LLC in the amount not to exceed of \$101,233.44 (which includes a 10% contingency of \$9,203.04) for the 2024 Concrete Pavement Joint and Crack Sealing Project and authorizing and directing the Mayor to enter into a contract was brought before the City Council. Motion was made by Council Member Zimmer and seconded by Council Member Luetzow to accept the Resolution as read. A discussion took place.

Roll Call:

Mayor Gibbons	“Yes”
Council Member Luetzow	“Yes”
Council Member McLean	“Yes”
Council Member Rheinnecker	“Yes”
Council Member Schaefer	“Yes”
Council Member Zimmer	“Yes”
Council Member Jaksetic	“Yes”

Resolution 153-2024, authorizing and directing the Mayor to enter into a Reimbursement Agreement for Preliminary Engineering Services with Union Pacific Railroad in the not to exceed reimbursable amount of \$30,000 for a Preliminary Engineering Review of the TAP-5502(616) Grant’s Trail Extension Phase 1 Project at the South Taylor Avenue Railroad Crossing was brought before the City Council. Motion was made by Council Member Luetzow and seconded by Council Member Zimmer to accept the Resolution as read. A discussion took place.

Roll Call:

Mayor Gibbons	“Yes”
Council Member Luetzow	“Yes”
Council Member McLean	“Yes”
Council Member Rheinnecker	“Yes”
Council Member Schaefer	“Yes”
Council Member Zimmer	“Yes”
Council Member Jaksetic	“Yes”



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Resolution 154-2024, accepting the proposal of Lochmueller Group in the amount not to exceed of \$125,900 for Right-of-Way Acquisition/Negotiation Services for STP-5505(614) South Clay Avenue Resurfacing Project and authorizing and directing the Mayor to enter into a contract was brought before the City Council. Motion was made by Council Member Zimmer and seconded by Council Member Luetzow to accept the Resolution as read.

Roll Call:

Mayor Gibbons	“Yes”
Council Member Luetzow	“Yes”
Council Member McLean	“Yes”
Council Member Rheinnecker	“Yes”
Council Member Schaefer	“Yes”
Council Member Zimmer	“Yes”
Council Member Jaksetic	“Yes”

Resolution 155-2024, accepting the proposal of George Butler Associates, Inc. in the amount not to exceed of \$190,334 (which includes a 10% contingency in the amount of \$17,303) for Professional Design and Bid Period Services for the Woodgate Drive Water Main Replacement and Street Reconstruction Project and authorizing and directing the Mayor to enter into a contract was brought before the City Council. Motion was made by Council Member Zimmer and seconded by Council Member McLean to accept the Resolution as read. A discussion took place.

Roll Call:

Mayor Gibbons	“Yes”
Council Member Luetzow	“Yes”
Council Member McLean	“Yes”
Council Member Rheinnecker	“Yes”
Council Member Schaefer	“Yes”
Council Member Zimmer	“Yes”
Council Member Jaksetic	“Yes”

CONSENT AGENDA ITEMS FOR DISCUSSION

NONE

CITY COUNCIL REPORTS

Mayor Gibbons thanked the voters of Kirkwood for passing Propositions T (Transportation Development District) and R (City Attorney Residence). The passing of both propositions will allow the City to move forward with getting the streets repaired, which our citizens deserve. Proposition R will allow the City to open the search for a new City Attorney. Mayor Gibbons also stated that the sale tax will be enacted in midsummer 2025.



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Mayor Gibbons also attended the new display for J. Earl Comfort Bird Sanctuary in Kirkwood Park.

Council Member Luetzow announced that next Thursday, November 14th, at 7:30 p.m., the Kirkwood Performing Arts Center will host a salute to Kirkwood Native and amazing saxophonist David Sanborn, who passed away.

Council Member Luetzow announced that next Wednesday, November 13th, at 6 p.m., the Kirkwood Arts Commission will present a new sculpture outside the Kirkwood Performing Arts Building. Also on Wednesday, the Kirkwood Performing Arts will open their new winter exhibition from 4 to 7 p.m.

CHIEF ADMINISTRATIVE OFFICER REPORTS

Mr. Weidler reported that the City of Kirkwood received a request from the Kirkwood Optimist Club to operate its annual fundraising tree lot at North Middle School, which was set up on November 16, 2024. Tree lot opening on November 23, 2024, with hours of operation at 4:00 p.m. to 9:00 p.m. Thursdays and Fridays and 9:00 a.m. to 9:00 p.m. Saturdays and Sundays was brought before the City Council. Motion was made by Council Member Zimmer and seconded by Council Member Schaefer. Discussion took place. The motion passed unanimously.

Mr. Weidler reported that the City of Kirkwood received an Application for a Liquor License for a Wholesaler/Distributor of Intoxicating Liquor, All Kinds license, for The Village – BRH, LLC, 1313 West Essex Avenue, was brought before the City Council. Motion was made by Council Member Zimmer and seconded by Council Member Rheinnecker. A discussion took place. The motion passed unanimously.

Mr. Weidler reported that the City of Kirkwood received an Application for a Liquor License to sell intoxicating liquor in its original package, plus Sunday, for HHRB, LLC dba Kwik E Mart at 639 West Woodbine was brought before the City Council. Motion was made by Council Member Schaefer and seconded by Council Member Zimmer. Discussion took place.

Motion was made by Mayor Gibbons and seconded by Council Member Schaefer to add a restriction to this liquor license that except for the sale of lottery tickets, any and all machines or devices that directly or indirectly pay or provided money, cash or other monetary consideration as a prize or reward for playing is prohibited. The motion passed unanimously.

CITY ATTORNEY REPORTS

City Attorney Hessel wanted to thank the voters for passing Proposition T (Transportation Development District) and Proposition R (City Attorney Residence).

CITY CLERK REPORTS



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Ms. Asche provided a report of Planning & Zoning Commission Meeting at the November 6, 2024 meeting of the Planning and Zoning Commission, the following action was taken:

1. By a vote of 6-1, the Commission recommended approval on a city-initiated Zoning Code Text Amendment on the color temperature of outdoor lighting. A public hearing before the City Council is requested on this text amendment.
2. After a presentation by Staff on a Zoning Code Text Amendment on the size of residential accessory structures under Section 25-42(i), Commissioners Coulson and Klippel were appointed to a subcommittee for further review. The subcommittee will meet at City Hall in the Main Level Conference Room on Monday, November 11 at 8:30 am. The subcommittee meeting notice is attached.
3. By a vote of 7-0, the Commission commended approval on a city-initiated Zoning Code Text Amendment regarding a marijuana facility or medical marijuana facility in Section 25-36(u)(3). A public hearing before City Council is requested on this text amendment.

The next meeting of the Planning and Zoning Commission will be held on November 20, 2024.

Ms. Asche reported on scheduled upcoming public hearings:

November 21, 2024

1. A request for a Major Site Plan and Special Use Permit Amendment for vehicle sale and rental for Lou Fusz Toyota at 10525 & 10725 Manchester Road.
2. A request for a Zoning Code Text Amendment to add Tattoo/Body Piercing Studio as a Special Use in the B-3 Zoning District and to change the Use-Specific Standards in Section 25-36(bb).
3. A request for a Special Use Permit for a tattoo/body piercing studio at 11212 Manchester Road.

December 5, 2024

1. A request for a Zoning Code Text Amendment on Sidewalk Requirements under Section 25-69(a)(2).
2. A request for a Zoning Code Text Amendment to add Tattoo/Body Piercing Studio as a Special Use in the B-3 Zoning District and to change the Use-Specific Standards in Section 25-36(bb).
3. A request for a Special Use Permit for a tattoo/body piercing studio at 11212 Manchester Road.



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ADJOURNMENT

There being no further business to come before the Council, the formal meeting was adjourned at 9:26 p.m. The next regular meeting of the Kirkwood City Council will take place at 7:00 p.m. on Thursday, November 21, 2024.

Laurie Asche
City Clerk

Approved: