

**City Council Meeting Minutes
Kirkwood City Hall
Thursday, December 5, 2024, 7:00 p.m.**

Pursuant to notice of meeting duly given by the Mayor, the City Council convened on Thursday, December 5, 2024, at 7:00 p.m. at Kirkwood City Hall, 139 South Kirkwood Road, Kirkwood, Missouri. Present: Mayor Gibbons, Council Members Jaksetic, McLean, Rheinacker, Schaefer, and Zimmer. Also in attendance were Chief Administrative Officer Russell Hawes, Assistant Chief Administrative Officer David Weidler, City Clerk Laurie Asche, Public Services Director Chris Krueger, Planning & Development Services Director Jonathan Raiche, and City Attorney John Hessel. Council Member Luetzow was absent and excused.

INTRODUCTIONS AND RECOGNITIONS

NONE

PRESENTATIONS

NONE

PUBLIC HEARINGS

Public Hearing #1

Mayor Gibbons recessed the meeting for a request for a Zoning Code Text Amendment on Sidewalk Requirements under Section 25-69(a)(2). City Attorney John Hessel entered the following exhibits into the record: an Affidavit of Publication in The Countian on November 15, 2024, as Exhibit 1; an Affidavit of Publication an Affidavit of Publication in the Webster-Kirkwood Times on November 15, 2024, as Exhibit 2; a report from the Planning and Zoning Commission Subcommittee dated October 16, 2024, as Exhibit 3; a report from the Planning and Zoning Commission dated October 17, 2024, as Exhibit 4; and the Kirkwood Code of Ordinances, as Exhibit 5.

Planning & Development Services Director Jonathan Raiche presented the matter to the Council:

- Provision was to require sidewalks for large additions was added in 2021 with a goal of further implementing the City's sidewalk network as identified in the Pedestrian & Bicycle Plan.
- This was required on new construction previously and it is a common practice to require this.
- Staff was requested to prepare an amendment to remove the requirement for large additions to be required to install a public sidewalk.
- P&Z Commission failed to recommend approval of this amendment with 3 in favor and 5 opposed.
- Because of this negative recommendation, a vote of 5 Councilmembers in favor is required for the amendment to be approved.

Some discussion took place as follows:

- A question was raised asking if the staff explain to residents in detail the extra information.
 - Yes, staff will explain in detail the requirements.
- A question was raised about the sideway being public right-of-way.
 - Yes, this is public right-of-way

Comments from the public:

1. Justin Bradley, 121 N. Van Buren Ave, made comments about additions to historic homes and new sidewalks.

The Bill will be placed on the December 19, 2024, agenda for consideration.

Public Hearing #2

Mayor Gibbons recessed the meeting for a request for a Zoning Code Text Amendment on the color temperature of outdoor lighting under Section 25-52. City Attorney John Hessel entered the following exhibits into the record: an Affidavit of Publication in The Countian on November 15, 2024, as Exhibit 1; an Affidavit of Publication an Affidavit of Publication in the Webster-Kirkwood Times on November 15, 2024, as Exhibit 2; a memorandum from the Planning and Zoning Commission dated November 6, 2024, as Exhibit 3; a report from the Planning and Zoning Commission dated November 7, 2024, as Exhibit 4; and the Kirkwood Code of Ordinances, as Exhibit 5.

Motion was made by Mayor Gibbons and seconded by Council Member Jaksetic to continue the Public Hearing to December 19, 2024. The motion was unanimously approved.

Public Hearing #3

Mayor Gibbons recessed the meeting for a request for a Zoning Code Text Amendment regarding a marijuana facility or medical marijuana facility in Section 25-36(u)(3). City Attorney John Hessel entered the following exhibits into the record: an Affidavit of Publication in The Countian on November 15, 2024, as Exhibit 1; an Affidavit of Publication an Affidavit of Publication in the Webster-Kirkwood Times on November 15, 2024, as Exhibit 2; a memorandum from the Planning and Zoning Commission dated October 31, 2024, as Exhibit 3; a report from the Planning and Zoning Commission dated November 7, 2024, as Exhibit 4; and the Kirkwood Code of Ordinances, as Exhibit 5.

Planning & Development Services Director Jonathan Raiche presented the matter to the Council:

- Purpose is to remove potential ambiguity that was identified during inquiries about locating marijuana related businesses closer than 500’ to each other.
- The recommendation is premised upon Staff’s understanding that the City wants to continue to provide a high level of restriction on these types of facilities while still complying with the Constitutional amendments.
- After various changes, the combination of more properties being eligible and more types of licenses being added into the state regulations has brought staff to the point of recommending that the clauses “of the same type” and “This section shall not prohibit one facility from holding multiple licenses” be removed from the current regulations.

- The proposed changes would require a 500’ buffer between any types of marijuana-related facility.

Some discussion took place follows:

- A question was raised asking why 500 feet buffer and not more.
 - The constitutional amendment states we can have reasonable regulations in effect without outlawing/banning marijuana facilities.

The Bill will be placed on the December 19, 2024, agenda for consideration.

PUBLIC COMMENTS

1. Craig Canatsey, 405 Wilcox Ave., commented on street repair conditions.
2. Ed Golterman, 10771 Kay Berrie Dr., commented on the Bi-State routes.
3. Penne Layton, 630A Candleberry Ct., commented about dangerous neighbors.
4. Lynn Scherer, 630A Candleberry Ct., commented about dangerous neighbors.

CONSENT AGENDA

Motion was made by Council Member Zimmer and seconded by Council Member Rheinnecker to approve the Consent Agenda.

Council Member Zimmer requested to move item (b) Resolution 160-2024 to the end of regular business. The Consent Agenda was unanimously approved.

- a) Approval of the November 21, 2024 Council Meeting Minutes
- b) Resolution 160-2024, accepting the Parking Permit Fees for the Downtown Special Business District in accordance with Section 14-334(2) of the Kirkwood Municipal Code of Ordinances for 2025. ****Removed and placed under New Business***

UNFINISHED BUSINESS

Bill 11055A, amending the provisions of the Municipal Code, Chapter 25 – Zoning and Subdivision, for Garage Design and Setback in Residential Districts in Section 25-48(f) in the R-MM, Missing Middle Residential District was brought before the City Council.

Roll Call:

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

The bill, having received majority approval of the Council, was adopted and became Ordinance 10880.

Bill 11056, changing the Zoning from R-5, Multifamily Residential District, to R-MM, Missing Middle Residential District, on the property known as 223 West Monroe Avenue, being an approximately 0.21 acre site on the north side of West Monroe Avenue and directing such change in the Zoning District Map was brought before the City Council. A discussion took place.

Roll Call:

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

The bill, having received majority approval of the Council, was adopted and became Ordinance 10881.

Bill 11057, authorizing and directing the Mayor to enter into a Missouri Highways and Transportation Commission Surface Transportation Block Grant Program Supplemental Agreement #2 for the awarded Surface Transportation Program STP-5502(612) Lindeman Road Improvement Project by increasing the Federal Grant Surface Transportation Funds amount by \$320,417 for a new total amount of project costs to be reimbursed by 80% by federal share in the amount not to exceed of \$1,670,154 was brought before the City Council.

Roll Call:

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

The bill, having received majority approval of the Council, was adopted and became Ordinance 10882.

Bill 11058, authorizing and directing the Mayor to enter into a Missouri Highways and Transportation Commission Surface Transportation Block Grant Program Supplemental Agreement #2 for the awarded Surface Transportation Program STP-5502(610) West Essex Reconstruction Project by increasing the Federal Grant Surface Transportation Funds amount by \$360,480 for a new total amount of project costs to be reimbursed by 80% by federal share in the amount not to exceed of \$1,878,080 was brought before the City Council.

Roll Call:

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

The bill, having received majority approval of the Council, was adopted and became Ordinance 10883.

Bill 11059, appropriating \$597,011 from the General Fund – Fund Balance to the Police Department Machinery and Equipment Account, accepting the grant of Missouri Department of Public Safety in the amount of \$656,610.97 and accepting the proposal of Motorola Solutions, Inc. in the amount of \$656,610.97 (pursuant to Johnson County, Kansas Cooperative Contract) for the purchase of new radios for the Police Department with 50% of the funds to be reimbursed by grant share and authorizing and directing the Director of Procurement to issue a Purchase Order was brought before the City Council.

Roll Call:

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

The bill, having received majority approval of the Council, was adopted and became Ordinance 10884.

NEW BUSINESS

Bill 11060, approving a Major Site Plan and granting an Amendment to the Special Use Permit for Vehicle Sale and Rental at 10525 and 10725 Manchester Road (Lou Fusz Toyota) subject to certain conditions was brought before the City Council. Motion was made by Council Member Zimmer and seconded by Council Member Jaksetic to accept the bill as read.

Motion was made by Council Member Schaefer and seconded by Council Member Rheinnecker to amend the Bill by amending the language in Section 1, Subsection (4) regarding the fence height and material. A discussion took place.

Motion was made by Council Member Schaefer and seconded by Council Member McLean to amend the motion to amend Section 1, Subsection (4) to read as follows, "The existing rea fence shall be replaced with a sound mitigating and sight proof cementitious fence not less than 8' in height and shall be maintained with a similar design." The motion to amend was approved with Mayor Gibbons and Council Members Jaksetic, McLean, Rheinnecker, and Schaefer in favor. Council Member Zimmer opposed.

Motion was made Mayor Gibbons and seconded by Council Member McLean to suspend Robert's Rules of order to allow the petitioner to address the Council. The motion was unanimously approved. A discussion took place.

The amended bill received first reading approval and was held over.

Bill 11061, amending the provisions of the Municipal Code, Chapter 25 – Zoning and Subdivision, for a Zoning Code Text Amendment to change the definition of a "Tattoo Studio" to also include "Body Piercing", to add Tattoo/Body Piercing Studio as a Special Use in the B-3, Highway Business District, and to change the Use-Specific Standards for Tattoo/Body Piercing Studio was brought before the City Council. Motion was made by Council Member Schaefer and seconded by Council Member McLean to accept the bill as read. A discussion took place.

Motion was made Mayor Gibbons and seconded by Council Member McLean to suspend Robert's Rules of order to allow the petitioner to address the Council. The motion was unanimously approved. Motion was withdrawn.

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

Bill 11062, granting a Special Use Permit for Tattoo/Body Piercing Studio at 11212 Manchester Road subject to certain conditions was brought before the City Council.

The bill was removed from Agenda due to failure of Bill 11061.

Bill 11063, adopting a revised City of Kirkwood Classification and Pay Plan, effective January 6, 2025 was brought before the City Council. Motion was made by Council Member Zimmer and seconded by Council Member Schaefer to accept the bill as read. A discussion took place.

The bill received first reading approval and was held over.

Resolution 161-2024, accepting the grant of Missouri Department of Health and Human Services in the amount of \$104,002.64 and accepting the proposal from Motorola Solutions, Inc. in the amount of \$104,002.64 (pursuant to Johnson County, Kansas Cooperative Contract) for the purchase of 14 new radios for the Fire Department with 90% of the funds to be reimbursed by grant share 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.

Roll Call:

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

Resolution 162-2024, amending the contract with J.W. Bommarito Construction by increasing the contract amount by \$2,917.64 for a new total not to exceed amount of \$203,001.64 for the North Kirkwood Road Water Main Replacement Project and authorizing and directing the Mayor to enter into an amended contract was brought before the City Council. Motion was made by Council Member Zimmer and seconded by Council Member Jaksetic to accept the Resolution as read.

Roll Call:

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

Resolution 163-2024, accepting the bid of Gateway Landworks for brush removal and maintenance on an as needed basis, in the amount of \$105,602 for the initial work, 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 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 Rheinnecker	“Yes”
Council Member Schaefer	“Yes”
Council Member Zimmer	“Yes”
Council Member Jaksetic	“Yes”
Council Member Luetzow	Absent
Council Member McLean	“Yes”

Resolution 164-2024, appointing Mayor Liz Gibbons and Council Member Al Rheinnecker to the Transportation Development District Board was brought before the City Council. Motion was made by Council Member Schaefer and seconded by Council Member Jaksetic to accept the Resolution as read. A discussion took place.

Roll Call:

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

CONSENT AGENDA ITEMS FOR DISCUSSION

Resolution 160-2024, accepting the Parking Permit Fees for the Downtown Special Business District in accordance with Section 14-334(2) of the Kirkwood Municipal Code of Ordinances for 2025 was brought before Council. Motion was made by Mayor Gibbons and seconded by Council Zimmer to continue Resolution 160-2024 to December 19, 2024. The motion to continue was unanimously approved.

CITY COUNCIL REPORTS

Council Member Zimmer reported on the Safe routes to School Open House was Tuesday, Dec. 3rd at Kirkwood High School. Council Zimmer encourages everyone to complete the survey and make their voices heard.

CHIEF ADMINISTRATIVE OFFICER REPORTS

NONE

CITY ATTORNEY REPORTS

City Attorney Hessel wanted to applaud the City Council for passing Resolution 164-2024 appointing Mayor Gibbons and Council Member Rheinnecker to the TDD Board. Mr. Hessel will go before St. Louis County Circuit Judge Stewart on Tuesday, Dec. 17 for a hearing.

CITY CLERK REPORTS

Ms. Asche read the certified Elections results into the record:

City of Kirkwood Propositions:
Proposition R – 10,787 “Yes” votes
 6,159 “No” votes
Votes Casted: 16,946 votes

Proposition T – 11,499 “Yes” votes
 6,213 “No” votes

Votes Casted: 17,712 votes

Ms. Asche reported on scheduled upcoming public hearings:

December 19, 2024

1. A request for a Zoning Code Text Amendment to change the size allowance in the Zoning Code, Section 25-42(i) and in the use-specific standards in the Zoning Code, Sections 25-45(g) and 25-45(h) relating to accessory structures in Residential Zoning Districts
2. A request for a Zoning Code Text Amendment on the color temperature of outdoor lighting under Section 25-52.

ADJOURNMENT

There being no further business to come before the Council, the formal meeting was adjourned at 8:36 p.m. The next regular meeting of the Kirkwood City Council will take place at 7:00 p.m. on Thursday, December 19, 2024.

Laurie Asche
City Clerk

Approved:



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