



WHERE COMMUNITY AND SPIRIT MEET®

**KIRKWOOD CITY COUNCIL
KIRKWOOD CITY HALL
August 18, 2016
7:00 p.m.**

Pursuant to notice of meeting duly given by the Mayor, the City Council convened on Thursday, August 18, 2016, 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

NONE

PUBLIC HEARINGS

Mayor Griffin recessed the meeting for the purpose of conducting a public hearing regarding a request to rezone 425 Emmerson, 2017/2019 Lily Avenue, and 2040 Boaz Avenue from R-1 Single-Family District to R-3 Single-Family District. Mr. Hessel entered the following exhibits into the record: an Affidavit of Publication in the St. Louis Countian on July 27, 2016, as Exhibit 1; an Affidavit of Publication in the Webster Kirkwood Times on July 29, 2016, as Exhibit 2; a list of property owners who were sent notice of the public hearing, as Exhibit 3; an aerial view map showing the subject property and the properties that were notified of the hearing, as Exhibit 4; the report of the Planning and Zoning Commission dated June 16, 2016, as Exhibit 5; the Planning and Zoning Commission Subcommittee Report dated June 15, 2016, as Exhibit 6; and the Kirkwood Code of Ordinances as Exhibit 7.

Dan Wind, Petitioner's Agent, presented the matter to the council. Some of the information presented is as follows:

Mr. Wind presented a brief history of the voluntary annexation of the subject property into Kirkwood. The Planning and Zoning Commission voted unanimously in favor in June of the request to rezone from R-1 Single-Family District to R-3 Single-Family District. The proposal includes eight lots off of Lilly Avenue. The petitioner has requested a Community Unit Plan (CUP) to take advantage of some of the setback requirements as well as other issues that will be resolved through a CUP. The water retention will be a rain garden and there will be a lot of landscaping. Some of the questions asked are as follows:



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- Who will maintain the rain garden? *The Homeowners Association will be responsible and the petitioner will provide an operation and maintenance plan that the Association will use to meet the requirements.*
- What has been the reaction of the nearby residents? *There has not been a lot of concern raised by the nearby residents. There was not much objection at the Planning and Zoning Commission meeting.*
- How was it decided to rezone to R-3 versus R-4? *R-4 is inconsistent with current zoning patterns in the area. The use of a CUP is because of the unique nature of the property.*
- Is it a public street? *Yes*
- Will there be fencing around the rain garden? *Normally that is not done and MSD doesn't require it. The depth is 42 inches but if that is a requirement of the City Council it can be done.*
- Will there be soundproofing between Lilly and the highway? *MoDOT is the agency that makes decisions regarding soundwalls and the petitioner will make that contact.*
- The streets are not in very good condition in the area. Are provisions being made for limited use of those streets? *City staff requires that construction vehicles stay on Boaz.*

The following individuals spoke regarding the proposal:

1. Jane Ann Forney, 421 Emmerson Avenue, supports the project and believes it will be an asset to the surrounding area.

The bill will be placed on the September 1, 2016 agenda for first reading consideration.

PUBLIC COMMENTS

1. Mark Tallon, 432 Par Lane, concerned about the size of the home being built on East Argonne that backs up to 420 East Jefferson. The size of the home has a direct impact on his aunt's property and he suggested some changes need to be made to the zoning code to prevent this type of construction.

CONSENT AGENDA

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

- a) Approval of the August 4, 2016 City Council Meeting Minutes
- b) Resolution 107-2016, transferring funds from the Workers Compensation Premiums Account to the Health Insurance Account (\$15,000)
- c) Resolution 108-2016, accepting the bid of Trebron Company, Inc. for Sophos Software Renewal for the MIS Department and authorizing the issuance of a Purchase Order (\$14,130)

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- d) Resolution 109-2016, authorizing an amendment to the contract K. Jacobs Construction to change the termination date to March 31, 2017 at the current rates for repair of roadway, driveway, sidewalk and other surfaces
- e) Resolution 110-2016, accepting the bid of Custom Products Corporation for traffic signs and U-Channel posts for the Street Department and directing the Mayor to enter into a contract (rates provided in proposal)

OLD BUSINESS

NONE

NEW BUSINESS

Bill 10503, readopting a Procedure to Disclose Potential Conflicts of Interest and Substantial Interests for Certain Officials as set forth in Chapter 2, Article I, Section 2-5 of the Kirkwood Code of Ordinances, 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.

Bill 10504, appropriating \$2,324.18 from the Equitable Fund (Fund Balance) to the Police Small Capital Account for the purchase of two police bicycles for the Police Department, was brought before the council. Motion was made by Council Member Luetzow and seconded by Council Member Zimmer to accept the bill for first reading approval. A brief discussion ensued. The motion was unanimously approved.

The bill received first reading approval and was held over.

Resolution 103-2016, approving a Preliminary Development Plan for a B-2 Mixed-Use project on the property known as 201 South Kirkwood Road, was brought before the council. Motion was made by Council Member Sears and seconded by Council Member Ward to approve the resolution as read. A discussion took place regarding disabled parking requirements, setback from Madison, and Planning and Zoning Commission’s authority to reduce the size of said disabled parking stalls. The size of the disabled parking spots meets Federal ADA guidelines.

Roll Call Vote as Follows:

Council Member Edman	“Yes”
Mayor Griffin	“Yes”
Council Member Luetzow	“No”
Council Member Sears	“Yes”



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Council Member Ward	“Yes”
Council Member Zimmer	“Yes”
Council Member Duwe	“No”

CONSENT AGENDA ITEMS FOR DISCUSSION

NONE

CITY COUNCIL REPORTS

Mayor Griffin advised that he will not be in attendance at the September 1, 2016 meeting and that Deputy Mayor Ward will preside.

CHIEF ADMINISTRATIVE OFFICER REPORTS

Mr. Hawes had nothing to report.

CITY ATTORNEY REPORT

Mr. Hessel had nothing to report.

CITY CLERK REPORT

Mrs. Montaña read the report of the August 17, 2016 Planning and Zoning Commission. The following action was taken:

1. The Commission discussed the lighting, sound levels, and landscaping at the baseball field at St. John Vianney High School at 1311 South Kirkwood Road.
2. After a presentation by Strictly Pediatrics for a site plan to construct a 10,627 square foot building at 449 and 451 Magnolia Avenue and a special use permit to operate a day care center, a subcommittee consisting of Cindy Coronado, Greg Frick, and David Eagleton was appointed. The Subcommittee scheduled a meeting at the site on Tuesday, August 23, at 9 a.m.
3. The Commission recommended approval (by a vote of seven to one) of amendments to Section A-510 of the Zoning Code as proposed in the Report dated August 17. A public hearing was scheduled for September 15, 2016.

Mrs. Montaña provided an update on the Kirkwood Municipal Code review and analysis with the vendor General Code. The project is moving forward quickly and the vendor is extremely impressed that the Department Heads came prepared to the analysis meetings. He stated that this doesn't usually occur during the process. Mrs. Montaña complimented Mr. Hawes on his dedicated Department Heads and their willingness to assist in the process.



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Following are the certified results of the August 2, 2016 Election from the St. Louis County Board of Election Commissioners dated August 17, 2016.

For Council Member to Fill an Unexpired Term to April 2018:

Gerry (Gerard) Biedenstein	2,753
Mark Zimmer	3,954
Invalid Write In	42

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned. The next regular council meeting is scheduled for September 1, 2016, at 7:00 p.m.

Betty Montañó, MMC/MPCC
City Clerk

Approved: September 1, 2016