



WHERE COMMUNITY AND SPIRIT MEET®

**KIRKWOOD CITY COUNCIL
KIRKWOOD CITY HALL
March 17, 2016
7:00 p.m.**

Pursuant to notice of meeting duly given by the Mayor, the City Council convened on Thursday, March 17, 2016, at 7:00 p.m. at Kirkwood City Hall, 139 South Kirkwood Road, Kirkwood, Missouri. Present were Mayor McDonnell, Council Members Biedenstein, Griffin, Jaksetic, Luetzow, Sears, and Ward. Also in attendance were Chief Administrative Officer Russell Hawes, City Clerk Betty Montañó, and City Attorney John Hessel.

PRESENTATIONS

Mr. Dave Woolley with the US Department of Defense Employer Support of the Guard and Reserve presented awards to the following employees recognized by Tim House, who is currently deployed, for their support during his military deployment, military service and his employment with the Kirkwood Fire Department:

- Priscilla Utley, Human Resources Manager
- Leo Meyer, Assistant Chief/Fire Marshal, Kirkwood Fire Department
- Frank Tallis, Captain, Kirkwood Fire Department
- Steve Knapp, Captain, Kirkwood Fire Department
- Charlie Dahm, Captain, Kirkwood Fire Department

Assistant Chief Leo Meyer presented Alan Bergfeld with an award for calling the fire department when he noticed smoke coming from 540 Woodard that resulted in no injuries at the residence. The fire had started in the attic of the home. If not for residents notifying the fire department when they notice something suspicious, the results would not be as positive.

INTRODUCTIONS AND RECOGNITIONS

NONE

PUBLIC HEARINGS

NONE

PUBLIC COMMENTS

1. Ralph Knepper, 1111 South Geyer Road, doesn't believe the stop signs on Geyer Road have any positive effect between Windsor and Boxwood. It is more difficult to pull out between 2 p.m. and 5 p.m. and he believes it is a lot less safe. He suggested that the speed limit be reduced from 30 mph to 25 mph with heavy police enforcement.



WHERE COMMUNITY AND SPIRIT MEET®

CONSENT AGENDA

Motion was made by Council Member Ward and seconded by Council Member Biedenstein to approve the Consent Agenda. Council Member Biedenstein requested that item h) be removed and placed at the end of the agenda. The Consent Agenda, with item h) removed, was unanimously approved.

- a) Approval of the March 3, 2016 City Council Meeting Minutes
- b) Resolution 17-2016, transferring between operating accounts for the public services department to balance fiscal year 2015-2016 budgets
- c) Resolution 18-2016, accepting the bid of Fletcher- for pad mounted distribution sectionalizing switchgear for the Electric Department and authorizing and directing the Director of Purchasing to issue a Purchase Order (\$13,500)
- d) Resolution 19-2016, accepting the bid of CDW-G for ClearCube Devices for the MIS Department and authorizing and directing the Director of Purchasing to issue a Purchase Order (\$13,725.25)
- e) Resolution 20-2016, accepting the bid of C&R Mechanical for an Ice Rink Chiller Maintenance Program and authorizing and directing the Mayor to enter into a contract (\$25,404)
- f) Resolution 21-2016, accepting the bid of J.F. Electric for distribution system upgrades to Circuit 22 for the Electric Department and authorizing and directing the Mayor to enter into a contract (not to exceed \$139,575, includes a contingency of \$23,263)
- g) Resolution 22-2016, accepting the proposal of Planning Design Studio for City of Kirkwood Fillmore Park Design & Bid Period Services and authorizing and directing the Mayor to enter into a contract (not to exceed \$57,900)
- h) Resolution 24-2016, authorizing the Mayor to sign proposals with Dickinson Hussman Architects and Frontenac Engineering to change the scope of services for the Train Station (\$37,250) **(placed at the end of the agenda)**

OLD BUSINESS

Bill 10474, amending the Kirkwood Code of Ordinances, Chapter 14 “Motor Vehicles and Traffic”, Section 14-398 “Routes on Which Operation of Commercial Vehicles Restricted” to add Lillian Avenue from Fillmore Avenue to South Elliott, was brought before the council.

Roll Call Vote as Follows:

Council Member Biedenstein	“Yes”
Council Member Griffin	“Yes”
Council Member Jaksetic	“Yes”
Council Member Luetzow	“Yes”



WHERE COMMUNITY AND SPIRIT MEET®

Mayor McDonnell	“Yes”
Council Member Sears	“Yes”
Council Member Ward	“Yes”

The bill, having received majority approval of the council, was adopted and became Ordinance 10323.

Bill 10475, transferring \$160,000 from the Claims Expense Account and appropriating \$240,000 from the Medical Fund (Fund Balance) to Account #601-3110-441.52.10 (Other Employee Benefits/Medical Premiums) which is over budget, was brought before the council.

Roll Call Vote as Follows:

Council Member Biedenstein	“Yes”
Council Member Griffin	“Yes”
Council Member Jaksetic	“Yes”
Council Member Luetzow	“Yes”
Mayor McDonnell	“Yes”
Council Member Sears	“Yes”
Council Member Ward	“Yes”

The bill, having received majority approval of the council, was adopted and became Ordinance 10324.

Bill 10476, adopting a new City of Kirkwood Classification and Pay Plan, subject to certain conditions, was brought before the council.

Roll Call Vote as Follows:

Council Member Biedenstein	“Yes”
Council Member Griffin	“Yes”
Council Member Jaksetic	“Yes”
Council Member Luetzow	“Yes”
Mayor McDonnell	“Yes”
Council Member Sears	“Yes”
Council Member Ward	“Yes”

The bill, having received majority approval of the council, was adopted and became Ordinance 10325.



WHERE COMMUNITY AND SPIRIT MEET®

Motion was made by Council Member Ward and seconded by Council Member Luetzow to bring Substitute Bill 10477 to the floor for consideration. The motion was unanimously approved.

Substitute Bill 10477, adopting and approving the Operating and Capital Budgets for the City of Kirkwood for the fiscal year April 1, 2016 through March 31, 2017, and appropriating such sums as are set forth herein for all departments and the accounts therein specified, for all expenditures of the City of such year, which appropriations total \$74,419,857, Capital Projects of \$6,331,490, and appropriating the sum of \$533,908 for payment of principal, interest and bank fees for General Obligation Bonded Indebtedness from the Debt Service Fund; and reappropriating \$5,908,073 for previously approved projects that will be incomplete as of March 31, 2016, subject to certain conditions, was brought before the council. A discussion ensued.

Roll Call Vote as Follows:

Council Member Biedenstein	"No"
Council Member Griffin	"Yes"
Council Member Jaksetic	"Yes"
Council Member Luetzow	"Yes"
Mayor McDonnell	"Yes"
Council Member Sears	"Yes"
Council Member Ward	"Yes"

The bill, having received majority approval of the council, was adopted and became Ordinance 10326.

Bill 10478, approving the budget of the Special Business District for the fiscal year April 1, 2016 through March 31, 2017, subject to certain conditions, was brought before the council.

Roll Call Vote as Follows:

Council Member Biedenstein	"Yes"
Council Member Griffin	"Yes"
Council Member Jaksetic	"Yes"
Council Member Luetzow	"Yes"
Mayor McDonnell	"Yes"
Council Member Sears	"Yes"
Council Member Ward	"Yes"

The bill, having received majority approval of the council, was adopted and became Ordinance 10327.



WHERE COMMUNITY AND SPIRIT MEET®

Bill 10479, authorizing and directing the Mayor to enter into an agreement with the Missouri Highways and Traffic Commission for the awarded Transportation Alternatives Program (TAP) 5502(607) for the South Kirkwood Road-Nipher Middle School Safe Route to School Project, subject to certain conditions, was brought before the council.

Roll Call Vote as Follows:

Council Member Biedenstein	“Yes”
Council Member Griffin	“Yes”
Council Member Jaksetic	“Yes”
Council Member Luetzow	“Yes”
Mayor McDonnell	“Yes”
Council Member Sears	“Yes”
Council Member Ward	“Yes”

The bill, having received majority approval of the council, was adopted and became Ordinance 10328.

Motion was made by Council Member Ward and seconded by Council Member Biedenstein to bring Substitute Bill 10480 to the floor for consideration. The motion was unanimously approved.

Substitute Bill 10480, granting a Special Use Permit for a Convenience/Gas Store (BP Gas) on the property known as 10901 Manchester Road, subject to certain conditions, was brought before the council.

The following motions were considered:

Motion was made by Council Member Biedenstein and seconded by Council Member Jaksetic to remove “new” from Section 1, item 4. The motion failed unanimously.

Motion was made by Council Member Biedenstein and seconded by Council Member Jaksetic to add the following to Section 1, item 5. “Failure to provide the performance guarantee within six months shall render this approval null and void. The performance guarantee is required to insure the completion of the proposed improvements, utilities, and landscaping and to replace public improvements damaged by construction activities (sidewalks, curbs, etc.). The performance guarantee shall be in effect for a minimum of two years.” After discussion the motion failed unanimously.



WHERE COMMUNITY AND SPIRIT MEET®

Motion was made by Council Member Biedenstein and seconded by Council Member Jaksetic to add the following to Section 1, item 9: "Directly adjacent to the 20' deep northern property line buffer." A discussion ensued. The motion failed with Council Members Griffin, Luetzow, Sears and Mayor McDonnell opposed and Council Members Biedenstein, Jaksetic and Ward in favor.

Motion was made by Council Member Biedenstein and seconded by Council Member Jaksetic to amend Section 1, item 14 by inserting the words "and replaced" just after the word "repair" in line 1 and add the following sentences: "Concrete sidewalks shall be installed to City standards on the Clay Avenue frontage. Concrete sidewalks shall be installed to MoDOT standards along the Manchester Road frontage." A discussion took place. The motion failed with Council Members Griffin, Jaksetic, Luetzow, Sears, Ward and Mayor McDonnell opposed and Council Member Biedenstein in favor.

Motion was made by Council Member Biedenstein and seconded by Council Member Jaksetic to replace item 16 to read as follows: "Any site lighting, including parking lot lighting, shall be directed to the grade below. The lighting fixtures shall be full cut off and designed and oriented to minimize light "trespass" onto neighboring properties. All canopy lights shall be recessed into the canopy and no luminaries or fixture lens shall protrude below the canopy ceiling." A discussion took place. The motion failed unanimously.

Motion was made by Council Member Biedenstein and seconded by Council Member Jaksetic to add the following as item 17: "The maximum foot candles at any point on sit shall not exceed (42 Fc). Vertical foot candles measured at a height of ten feet on the property line shall be no greater than 2 foot candles. Once construction is complete an as built photometric plan shall be submitted to show compliance." A discussion took place. The motion failed with Council Members Griffin, Luetzow, Sears, Ward and Mayor McDonnell opposed and Council Members Biedenstein and Jaksetic in favor.

Motion was made by Council Member Biedenstein and seconded by Council Member Jaksetic to add the following as item 17: "The pole mounted light fixtures located in the east side of the property shall be shielded on the north side of the fixture." A discussion ensued. A vote was taken but then it was clarified that one of the council members voting in favor actually raised her hand because she had a question. The motion failed with Council Members Griffin, Luetzow, Sears, Ward and Mayor McDonnell opposed and Council Members Biedenstein and Jaksetic in favor.

Motion was made by Council Member Biedenstein and seconded by Council Member Jaksetic to add the following as item 17: "No more than the two existing wall-mounted full cutoff light fixtures shall be installed on the east side of the building and none shall be located on the north



WHERE COMMUNITY AND SPIRIT MEET®

rear of the building at a height no greater than 6 feet above the finished grade.” A discussion took place. The motion failed with Council Members Griffin, Luetzow, Sears, Ward and Mayor McDonnell opposed and Council Members Biedenstein and Jaksetic in favor.

Motion was made by Council Member Biedenstein and seconded by Council Member Jaksetic to add the following as item 17: “No music shall be played over the outdoor intercom system, and the volume shall be limited so it is not audible to adjoining properties.” A discussion took place. The motion was approved with Council Members Biedenstein, Griffin, Jaksetic, Luetzow, Ward and Mayor McDonnell in favor and Council Member Sears opposed.

Motion was made by Council Member Biedenstein and seconded by Council Member Jaksetic to add the following to item 19: “The canopy color shall be blending and a subdued or neutral color, as approved by the Architectural Review Board.” Motion was made by Council Member Griffin and seconded by Council Member Ward to Suspend Roberts Rules of Order to allow the petitioner to answer questions. The motion to suspend the rules was unanimously approved. After discussion the motion failed with Council Members Griffin, Jaksetic, Luetzow, Sears, Ward and Mayor McDonnell opposed and Council Member Biedenstein in favor.

Motion was made by Council Member Biedenstein and seconded by Council Member Jaksetic to add the following as item 21: “The driveway pavement to the dumpster area and the dumpster pad shall be constructed of seven-inch (7”) thick concrete pavement on a six-inch (6”) thick rock base.” A discussion ensued. The motion failed with Council Members Griffin, Luetzow, Sears, Ward and Mayor McDonnell opposed and Council Members Biedenstein and Jaksetic in favor.

Motion was made by Council Member Biedenstein and seconded by Council Member Jaksetic to add the following as item 21: “Existing entrances shall be removed; and sidewalks, curbs, and public right-of-way restored to City standards. The renovated entrance along Clay Avenue shall be constructed in concrete in accordance with City standards. Entrances along Manchester Road shall be in accordance with MoDOT approval and standards.” A discussion took place. The motion failed with Council Members Griffin, Jaksetic, Sears, Ward and Mayor McDonnell opposed and Council Members Biedenstein and Luetzow in favor.

Motion was made by Council Member Biedenstein and seconded by Council Member Jaksetic to add the following as item 21: “A ten-foot wide utility easement shall be granted to the City for public utilities along the perimeter of the property including along public right-of-way.” A discussion followed. The motion failed with Council Members Griffin, Jaksetic, Luetzow, Sears, Ward and Mayor McDonnell opposed and Council Member Biedenstein in favor.



WHERE COMMUNITY AND SPIRIT MEET®

Motion was made by Council Member Biedenstein and seconded by Council Member Jaksetic to add the following as item 21: “All deliveries shall take place between the hours of 8:00 a.m. and to be completed by 10:00 p.m.” The motion failed with Council Members Griffin, Sears, Ward and Mayor McDonnell opposed and Council Members Biedenstein, Jaksetic and Luetzow in favor.

Motion was made by Council Member Biedenstein and seconded by Council Member Jaksetic to add the following as item 21: “The proposed landscape diagram shall be revised to include the additional following:

- a. A minimum of one canopy tree per every twenty-five feet of frontage, excluding driveway openings.
- b. Parking lots with 18 parking spaces shall have 400 square feet of interior open space.
- c. Wherever possible, curbed traffic islands shall be located at the ends of parking aisles and shall be landscaped with one canopy tree or understory tree planted at twenty foot centers, including appropriate ground cover.
- d. A minimum of one canopy tree per every twenty-five feet of northern property line buffer.”

A discussion took place which resulted in Council Member Biedenstein and Council Member Jaksetic withdrawing the above motion.

The new motion was made by Council Member Biedenstein and seconded by Council Member Jaksetic to add the following as item 21: “The proposed landscape diagram shall be revised to relocate the fence north of the Emerald Arborvitae. The proposed landscape diagram shall also include the following:

- a. A minimum of one canopy tree per every twenty-five feet of frontage, excluding driveway openings.
- b. A minimum of one canopy tree per every twenty-five feet of northern property line buffer.”

The motion was approved with Council Members Biedenstein, Griffin, Jaksetic, Luetzow, Ward in favor and Mayor McDonnell and Council Member Sears opposed.

Motion was made by Council Member Biedenstein and seconded by Council Member Jaksetic to add the following as item 22: “The Architectural Review Board shall approve all signs prior to issuance of a sign permit. Only one ground sign shall be allowed, and it shall only be located on Manchester Road frontage. The three existing signs shall be removed.” A discussion took place. The motion failed with Council Members Griffin, Jaksetic, Luetzow, Sears, Ward and Mayor McDonnell opposed and Council Member Biedenstein in favor.



WHERE COMMUNITY AND SPIRIT MEET®

Motion was made by Council Member Biedenstein and seconded by Council Member Jaksetic to add the following as item 22: "Prior to the issuance of a building permit, three copies of a revised site plan, including a landscaping plan, shall be submitted to the Public Services Department that fully incorporates the conditions of approval. When these plans are approved the petitioner shall file the approved site plan with the building permit application and the site plan shall become a part of the building permit application." A discussion followed. The motion failed with Council Members Griffin, Sears, Ward and Mayor McDonnell opposed and Council Members Biedenstein, Jaksetic and Luetzow in favor.

Motion was made by Council Member Biedenstein and seconded by Council Member Jaksetic to add the following as item 22: "Clay Avenue beyond the entrance shall not be used for fuel delivery and food delivery." The motion was unanimously approved.

Motion was made by Council Member Luetzow and seconded by Council Member Sears to add conditions 9 and 10 from the Planning and Zoning Subcommittee Report as follows:

- 23. The landscape buffer surrounding the ground sign shall be planted with an adequate number of Type A (18 inches in height) shrubs.
- 24. The southeast corner shall be converted to a landscape buffer and shall be planted with an adequate number of Type A (18 inches in height) shrubs.

The motion was unanimously approved.

Roll Call Vote as Follows:

Council Member Biedenstein	"Yes"
Council Member Griffin	"Yes"
Council Member Jaksetic	"Yes"
Council Member Luetzow	"Yes"
Mayor McDonnell	"Yes"
Council Member Sears	"Yes"
Council Member Ward	"Yes"

The bill, having received majority approval of the council, was adopted and became Ordinance 10329.

NEW BUSINESS

Bill 10481, appropriating \$200,000 from the Sewer Lateral Replacement Program Fund Balance to Account #207-5701-410.31.10 for the City's portion to repair and replace failed sanitary



WHERE COMMUNITY AND SPIRIT MEET®

sewer laterals, 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.

Resolution 23-2016, approving the Preliminary Subdivision Plat of a two-lot subdivision known as 911 of "911 Evans Avenue Boundary Adjustment Plat" as recorded in Plat Book 354, Page 625 of the St. Louis County Records, located in the City of Kirkwood, St. Louis, County, Missouri, was brought before the council. Motion was made by Council Member Griffin and seconded by Council Member Ward to accept the resolution as read. A discussion took place.

Roll Call Vote as Follows:

Council Member Biedenstein	"Yes"
Council Member Griffin	"Yes"
Council Member Jaksetic	"Yes"
Council Member Luetzow	"Yes"
Mayor McDonnell	"Yes"
Council Member Sears	"Yes"
Council Member Ward	"Yes"

CONSENT AGENDA ITEMS FOR DISCUSSION

Resolution 24-2016, authorizing the Mayor to sign proposals with Dickinson Hussman Architects and Frontenac Engineering in the amount of \$37,250 for a change in scope of services relating to the Kirkwood Train Station was brought before the council. Motion was made by Council Member Ward and seconded by Council Member Luetzow to accept the resolution as read. A discussion ensued

Roll Call Vote as Follows:

Council Member Biedenstein	No Vote
Council Member Griffin	"Yes"
Council Member Jaksetic	"Yes"
Council Member Luetzow	"Yes"
Mayor McDonnell	"Yes"
Council Member Sears	"Yes"
Council Member Ward	"Yes"



WHERE COMMUNITY AND SPIRIT MEET®

CITY COUNCIL REPORTS

NONE

CHIEF ADMINISTRATIVE OFFICER REPORTS

Mr. Hawes reported that the City of Kirkwood received an Application for Temporary Outdoor Promotional Variance from the Alpine Shop, 440 N. Kirkwood Road, to hold their annual Spring Swap & Sale from Friday, March 15, 2016 through Sunday, March 17, 2016. The application includes a request to have a tent on the parking lot from March 8, 2016 through March 20, 2016. Motion was made by Council Member Jaksetic and seconded by Council Member Biedenstein to approve the application. The motion was unanimously approved.

CITY CLERK REPORT

Mrs. Montaño read the report of the March 16, 2016 Planning and Zoning Commission meeting. The following action took place.

1. The Magic House at 516 South Kirkwood Road withdrew their request for a Special Use Permit amendment.
2. Unanimously recommended approval of a Special Use Permit for a car wash for Lou Fusz Toyota at 10831 Manchester Road. Barring objection from the council a public hearing will be scheduled for May 5, 2016.
3. After the presentation for a Subdivision Waiver at 1126 Folger Avenue, the subcommittee scheduled a meeting at the site on March 18 at 9 a.m.

Mrs. Montaño thanked those that were able to attend her swearing in ceremony as President of the Missouri City Clerks and Finance Officers Association.

CITY ATTORNEY REPORT

Mr. Hessel had nothing to report.

ADJOURNMENT

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

Betty Montaño, MMC/MPCC
City Clerk

Approved: April 7, 2016