



WHERE COMMUNITY AND SPIRIT MEET®

**KIRKWOOD CITY COUNCIL
KIRKWOOD CITY HALL
March 3, 2016
7:00 p.m.**

Pursuant to notice of meeting duly given by the Mayor, the City Council convened on Thursday, March 3, 2016, at 7:00 p.m. at Kirkwood City Hall, 139 South Kirkwood Road, Kirkwood, Missouri. Present were Mayor McDonnell, Council Members Biedenstien, 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

- 1) Annual Report from the Human Rights Commission
- 2) Annual Report from the Urban Forestry Commission

INTRODUCTIONS AND RECOGNITIONS

NONE

PUBLIC HEARINGS

Mayor McDonnell recessed the meeting for the purpose of conducting a public hearing regarding a request for a Special Use Permit for a convenience/gas store known as One-Stop BP at 10901 Manchester Road. Mr. Hessel entered the following exhibits into the record: an Affidavit of Publication in the St. Louis County Legal Ledger on February 17, 2016, as Exhibit 1; an Affidavit of Publication in the Webster Kirkwood Times on February 19, 2016, as Exhibit 2; an aerial view map showing the subject property and the properties that were notified of the hearing, as Exhibit 3; a list of property owners who were sent notice of the public hearing, as Exhibit 4; the report of the Planning and Zoning Commission dated January 21, 2016, as Exhibit 5; the Planning and Zoning Commission Subcommittee Report dated January 20, 2016, as Exhibit 6; and the Kirkwood Code of Ordinances as Exhibit 7.

Petitioner Sri Lakshmi presented the matter to the council:

- He will occupy the property and operate it as a gas/convenience store.
- The previous occupant closed the gas station in 2014.
- He has been in business for the last five years.
- The gas/convenience store will be open 24 hours a day.
- The petitioner will apply to sell alcohol.
- New pumps will be installed on the current islands.

Discussion ensued with some of the issues being raised as follows:

- Consider new concrete curbs.

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- Petitioner will have to create planting islands.
- Incorporate the same type of under canopy lights as was used for Mobil on the Run.
- MoDOT originally advised that there could only be one curb cut onto Manchester Road but then agreed that two curb cuts can be used for entry and exit.

The following individuals spoke regarding the issue:

1. Barry Schenck, 1107 North Clay, has rental property to the north and has concerns about light trespass.

There being no objection from the council this item was placed on the agenda as Item #7 and became Bill 10480.

PUBLIC COMMENTS

1. David Mulcahy, 17 Forest Glen, supports stop signs on Geyer Road.
2. Robert Shively, 1215 South Geyer Road, supports stop signs on Geyer Road.
3. Kelley Belina, 10 Forest Glen, supports stop signs on Geyer Road.
4. Denise Morrow, 421 Heathstone Lane, submitted petition signed by individuals that do not support the stop signs on Geyer Road.
5. Keith Scharf, 1033 South Geyer Road, does not support stop signs on Geyer Road and suggests lowering speed limit and enforcing that limit.
6. Judy Post, 1129 South Geyer Road, does not support stop signs on Geyer Road and suggests lowering speed limit and enforcing that limit.
7. Mary Murphy-Overmann, 1271 Oakshire Lane, traffic volume on Geyer Road has decreased over the years and requested that City Council consider all the data before making a decision.
8. Dean Hooks, 1211 Oakshire Court, provided a traffic study that was conducted by St. Louis County in 2001 that he believes contains data that will assist in making a decision regarding the stop signs on Geyer Road. He suggested incorporating ways to make the street feel more residential.
9. David Powell, 80 Forest Glen, concerned about the lighting and construction of the ball field at Vianney.
10. Marianne Powell, 80 Forest Glen, concerned about the new lights at the Vianney ball field.
11. Mary Murphy, 351 Geyer Forest, concerned about the lighting and other issues associated with the new ball field at Vianney.
12. David Howard, 330 Geyer Forest, concerned about the lighting and other issues associated with the new ball field at Vianney.
13. Jeff Schumacker, 345 Geyer Forest, concerned about the lighting and other improvements to the Vianney ball fields.



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- 14. Nan Dabler Fritschle, 314 Geyer Forest, upset about the lighting and ball field improvements at Vianney.
- 15. John Nash, 305 Geyer Forest, concerned about the new lights at the Vianney ball fields.
- 16. Christopher Mackin, 324 Geyer Forest, concerned about issues with the new lights and other issues relating to the new ball field at Vianney.

CONSENT AGENDA

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

- a) Approval of the February 18, 2016 City Council Meeting Minutes

OLD BUSINESS

Bill 10470, appropriating \$26,488 from the Water Fund (Fund Balance) to an expenditure account, accepting the bid of Joe Machen Ford in the amount of \$26,488 (pursuant to Missouri Cooperative Contract) for a 2016 Ford Explorer for the Water Department and authorizing the issuance of a Purchase Order, 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 10319.

Bill 10471A, approving an amendment to an adopted Community Unit Plan – Type C (Kirkwood House) to expand the existing parking lot, subject to certain conditions, was brought before the council. After discussion a motion was made by Council Member Biedenstein and seconded by Council Member Ward to amend Section 1., 5. by adding the following after “shrubs” in the first line: “with a minimum size of 24” to 30” tall at planting,”. After discussion the motion was approved with Council Members Biedenstein, Griffin, Jaksetic, Luetzow, Ward and Mayor McDonnell in favor and Council Member Sears opposed.



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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 10320.

Bill 10472, granting a Special Use Permit for a restaurant (Pure Plates STL) on the property known at 447 South Kirkwood Road, 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 10321.

Bill 10473, granting a Special Use Permit amendment for major motor vehicle repair (Lou Fusz Toyota) on the property known as 10749 Manchester Road, subject to certain conditions, was brought before the council. After discussion a motion was made by Council Member Biedenstein and seconded by Council Member Jaksetic to amend Section 1., 2. by adding the following at the end of the sentence to read: “and in no instance shall any damaged vehicles be parked and stored in the parking area adjacent to Lindbergh Boulevard or Manchester Road. The motion was approved with Council Members Biedenstein, Griffin, Jaksetic, Luetzow, and Ward in favor and Mayor McDonnell and Council Member Sears opposed.



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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 10322.

NEW 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. Motion was made by Council Member Griffin and seconded by Council Member Jaksetic to accept the bill for first reading approval. The motion was unanimously approved.

The bill received first reading approval and was held over.

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. Motion was made by Council Member Ward and seconded by Council Member Griffin to accept the bill for first reading approval. The motion was unanimously approved.

The bill received first reading approval and was held over.

Bill 10476, adopting a new City of Kirkwood Classification and Pay Plan, was brought before the council. Motion was made by Council Member Griffin and seconded by Council Member Jaksetic to accept the bill for first reading approval. The motion was unanimously approved.

The bill received first reading approval and was held over.

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



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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, was brought before the council. Motion was made by Council Member Sears and seconded by Council Member Ward to accept the bill for first reading approval. A discussion ensued. After discussion a motion was made by Council Member Biedenstein and seconded by Council Member Jaksetic to remove the electric charge station and the electric car. The motion failed with Council Members Biedenstein and Jaksetic in favor and Council Members Griffin, Luetzow, Sears, Ward and Mayor McDonnell opposed. The motion for first reading approval was passed with Council Member Biedenstein abstaining.

The bill received first reading approval and was held over.

Bill 10478, approving the budget of the Special Business District for the fiscal year April 1, 2016 through March 31, 2017, 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.

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, was brought before the council. Motion was made by Council Member Jaksetic and seconded by Council Member Griffin to accept the bill for first reading approval. The motion was unanimously approved.

The bill received first reading approval and was held over.

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. Motion was made by Council Member Sears and seconded by Council Member Griffin to accept the bill for first reading approval. A discussion with some of the issues being:

- If it is determined that the retaining wall needs to be replaced it should be replaced with modular concrete (CMU)
- Along the north property line have a provision to save the fence with some type of vertical tree or shrub
- No logo on the edges of the canopy
- Have same provisions regarding lighting as was approved for Mobil on the Run
- Concrete curbs along all paved areas



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The City Attorney will work with staff to develop appropriate amendments for council consideration at the next meeting. The motion for first reading approval was unanimously approved.

The bill received first reading approval and was held over.

CONSENT AGENDA ITEMS FOR DISCUSSION

NONE

CITY COUNCIL REPORTS

Council Member Luetzow requested that information be provided to the City Council relating to the Vianney ball field issue. A brief discussion took place. Mr. Hawes will provide information to the City Council in the near future.

CHIEF ADMINISTRATIVE OFFICER REPORTS

Mr. Hawes had nothing to report.

CITY CLERK REPORT

Mrs. Montañó read the report of the March 2, 2016 Planning and Zoning Commission meeting. The following action took place.

1. The Commission recommended approval of an amendment to Section A-510.5(2) of the Zoning Code to allow commercial uses on the second story of a commercial building in a mixed-use development in the B-2 Zoning District. The Commission then recommended approval of a preliminary site plan for a mixed-use development known as Madison Avenue Condominiums at 201 South Kirkwood Road. Two separate public hearings are required before the City Council. Public hearing will be scheduled for May 5, 2016.
2. After the presentation by Mike Lewis of the preliminary plat for a two-lot subdivision at 911 Evans Avenue, the Commission recommended approval. A Resolution is required and will be placed on the March 17, 2016 agenda.
3. After the presentation by Jeff Venetis for a Special Use Permit for a car wash for Lou Fusz Toyota at 10831 Manchester Road, a subcommittee consisting of Mr. Stauder and Mr. O'Donnell was appointed. A Subcommittee meeting at the site was scheduled for Tuesday, March 8 at 9 a.m.
4. After the presentation by Kumon Learning Center to amend Section A-530 of the Zoning Code to allow Learning Centers as a permitted use in the B-4 Zoning District, the Commission recommended approval. A public hearing is required before the City Council. The public hearing will be scheduled for April 7, 2016.



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Mrs. Montañó advised that both she and Deputy City Clerk Asche will be out of the office next week attending the Missouri City Clerks and Finance Officers Association Spring Institute in Columbia, MO.

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 March 17, 2016, at 7:00 p.m.

Betty Montañó, MMC/MPCC
City Clerk

Approved: March 17, 2016