



WHERE COMMUNITY AND SPIRIT MEET®

**Amended City Council Meeting Minutes
Kirkwood City Hall
Thursday, December 15, 2022, 7:00 p.m.**

Pursuant to notice of meeting duly given by the Mayor, the City Council convened on Thursday, December 1, 2022, at 7:00 p.m. at Kirkwood City Hall, 139 South Kirkwood Road, Kirkwood, Missouri. Present were Mayor Griffin, Council Members Gibbons, Luetzow, Sears, Ward and Zimmer. Also in attendance were Chief Administrative Officer Russell Hawes, City Clerk Laurie Ashe, Planning and Development Services Director Jonathan Raiche, City Planner II Amy Lowry, Electric Director Mark Petty, Public Services Director Bill Bensing, City Engineer Chris Krueger, and City Attorney John Hessel. Council Member Duwe was absent and excused.

**INTRODUCTIONS AND RECOGNITIONS
NONE**

PRESENTATION

Police Officer Gary Baldrige presented information and showed a slideshow of pictures pertaining to the second annual Shop with a Cop event that took place on December 3, 2022:

- The Kirkwood Police Department, along with Youth in Action held the 5th annual Shop with a Cop event.
- The Police Officer's Association took the lead role on the event.
- Funds for the event were raised through multiple fundraising efforts.
- 25 Kirkwood Police Officers, who donated their time, took 42 children from the Kirkwood School District shopping at Wal-Mart.
- Wal-Mart generously donated gift wrapping supplies free of charge for the event.

PUBLIC HEARINGS

Mayor Griffin recessed the meeting for the purpose of conducting a public hearing regarding a request for a Major Site Plan Partial Amendment at the Greenbriar Hill Country Club at 12665 Big Bend Boulevard for 4 pickle ball courts and a swimming pool deck expansion. Mr. Hessel entered the following exhibits into record: an Affidavit of Publication in the St. Louis Countian on November 25, 2022, as Exhibit 1; an Affidavit of Publication in the Webster-Kirkwood Times on November 25, 2022, 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; the report of the Planning and Zoning Commission Subcommittee dated November 16, 2022, as Exhibit 5; the report from Spenderian and Willis Acoustics Noise Control, as Exhibit 6; the report of the Planning and Zoning Commission dated November 17, 2022, as Exhibit 7; a letter from Greenbriar Hills Country Club dated December 12, 2022, as Exhibit 8; various email communications, as Exhibit 9; and the Kirkwood Code of Ordinances, as Exhibit 8.

City Planner II Amy Lowry presented information pertaining to the request:

- There are four pickle ball courts and a pool deck expansion proposed.
- The pickle ball courts are to be surrounded by a 10 ft. tall acoustic fence.



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- The existing golf cart path will be re-routed and rebuilt.
- There is a bio retention swale BMP being proposed north of the pickle ball courts.
- MSD will be reviewing the proposed storm water plans.
- There is no lighting being proposed for the courts playtime will be from 8:00 a.m. to sunset, Sunday through Saturday.
- The pool deck expansion will include a new modular block retaining wall, a decorative pool barrier fence and new lighting.
- The landscape plan currently doesn't meet the code requirement and should be ready for first reading.
- The applicant provided an acoustical report showing the decibel level would be at 45 or less at the nearest residence.
- Planning and Zoning Commission conditions of note include restricting the hours from 8:00 a.m. to sunset, no lights installed and no music or speakers will be allowed and the north and south fences be 10 ft. high and include the acoustic fence.

James Holtrop with Acoustic Control addressed the council with the following information:

- St. Louis County requirements in residential areas must be met at 55dba at the property line.
- At the proposed location of the pickle ball courts, the dba is 45, which is 10 decibels below, at the property line.

Council discussion:

- Question was raised why the plan was brought to council without being in compliance
 - The landscape plan is very close to being in compliance.
- Concern was expressed what might happen if the fence is not as sound suppressant as expected, how will the violation be addressed.
- Question was raised regarding the 10 ft. acoustic fence and the topography and how the barriers suppress the noise.
 - The noise level would still be under 55dba.
- The proposed location of the pickle ball courts will be between the pool and the tennis courts.
- There have been no known complaints since pickle ball has been played on the tennis courts

Bill Downey, representative from Greenbriar Country Club, addressed the council:

- Weiss Group recommended two locations place the pickle ball courts due to the topography of the property and the proposed location seemed most appropriate.
- Pickle ball has been played on the tennis courts for the last three years.
- Question was raised if broadleaf or evergreens would be planted for more sound mitigation
 - There are some being added for sound mitigation.



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Comments from public:

1. Kathy Widman, 12762 Big Bend, spoke in opposition of the proposal and the Planning & Zoning process. Concerned that the Osage Hills Subdivision will be adversely affected by the project.
2. Steve Pozaru, 1125 Vinetta Drive, spoke in favor of the proposal. Stated that the Greenbriar Hills Country Club has not received any complaints regarding pickle ball being played on the tennis courts.
3. Steve Missey, 2131 Briargate Lane, distributed handouts to the Council. Spoke in opposition of the proposal. Concerned about noise pollution so close to residential property.
4. Julie Missey, 2131 Briargate Lane, distributed handouts to the Council. Spoke in opposition of the proposal. Concerned about noise pollution.
5. Cathy Converse, 2125 Briargate Lane, distributed handouts to the Council. Spoke in opposition of the proposal. Stated that the acousta fence is a noise reflecting, not a noise absorbing, material.
6. Patti Smith, 134 Sweetbriar Lane, spoke in opposition of the proposal. Concerned about noise pollution and health issues caused by such noise. Concerned about negative impacts on property values.
7. Dr. Leland McClure, 2110 Briargate Lane, spoke in opposition of the proposal.
8. Terry O'Connell, 134 Sweetbriar Lane, spoke in opposition of the proposal. Concerned that the sound mitigation proposed will not dampen the noise.
9. Kevin McLaughlin, 240 E. Jefferson, spoke in favor of the proposal. Believes the project is in compliance with all rules.

The Resolution will be placed on the January 5, 2023 agenda for Council consideration.

PUBLIC COMMENTS

1. Patrick Richmond, 444 N. Clay, spoke regarding wanting a trolley in downtown Kirkwood.

CONSENT AGENDA

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

- a) Approval of the December 1, 2022 Council Meeting Minutes
- b) Resolution 152-2022, accepting the bid of Monster Tree Services of St. Louis in the amount of \$15,000 for the partial removal of a tree close to Kirkwood Electric power lines and poles at 526 North Woodlawn and authorizing and directing the Director of Procurement to issue a Purchase Order
- c) Resolution 153-2022, entering into a contract between the City of Kirkwood and National Vision Administrators, LLC for vision insurance for City employees for the period of April 1, 2023 through March 31, 2024



WHERE COMMUNITY AND SPIRIT MEET™

- d) Resolution 154-2022, renewing the contract between the City of Kirkwood and Delta Dental Insurance for Dental Insurance for City employees for the period of April 1, 2023 through March 31, 2024
- e) Resolution 155-2022, accepting the proposal of Anthem Blue Cross Blue Shield on a self-insured basis for the City’s health insurance for the period of April 1, 2023 through March 31, 2024
- f) Resolution 156-2022, accepting the bid of Feld Fire in the amount of \$24,820 for the purchase of sixty-eight sections of Snap-Tite FGN Fire Attack Hose for the Fire Department and authorizing and directing the Director of Procurement to issue a Purchase Order

UNFINISHED BUSINESS

Bill 10953, changing the zoning from R-4 Single-Family Residential District to B-3 Highway Business District on property known as 10557 Big Bend Boulevard being an approximately 0.43 acre site on the north side of Big Bend Boulevard and directing such change in the Zoning District Map was brought before the council.

Roll Call:

Mayor Griffin	“Yes”
Council Member Sears	“Yes”
Council Member Ward	“Yes”
Council Member Zimmer	“Yes”
Council Member Duwe	Absent
Council Member Gibbons	“Yes”
Council Member Luetzow	“Yes”

The bill, having received majority approval of the Council, was adopted and became Ordinance 10782.

Bill 10954, granting a Special Use Permit for Child Day-Care Center, and approving the Site Plan at 10551 and 10557 Big Bend Boulevard subject to certain conditions was brought before the council. A discussion took place.

Roll Call:

Mayor Griffin	“Yes”
Council Member Sears	“Yes”
Council Member Ward	“Yes”
Council Member Zimmer	“Yes”
Council Member Duwe	Absent
Council Member Gibbons	“Yes”
Council Member Luetzow	“Yes”



WHERE COMMUNITY AND SPIRIT MEET™

The bill, having received majority approval of the Council, was adopted and became Ordinance 10783.

Bill 10955, appropriating \$40,001 from the Equitable Sharing Fund Balance to the Police Department Other Professional Services Account, accepting the single source proposal of Axon Enterprises for body worn camera and TASER hardware and software for the Police Department, for an initial term of 12 months in the amount of \$110,001, with the option to renew annually thereafter for four additional 12 month terms, funding for additional terms contingent upon budgetary approval, and authorizing the Mayor into a contract was brought before the council.

Roll Call:

Mayor Griffin	“Yes”
Council Member Sears	“Yes”
Council Member Ward	“Yes”
Council Member Zimmer	“Yes”
Council Member Duwe	Absent
Council Member Gibbons	“Yes”
Council Member Luetzow	“Yes”

The bill, having received majority approval of the Council, was adopted and became Ordinance 10784.

Bill 10956, adopting a revised City of Kirkwood Classification and Pay Plan, effective January 1, 2023 was brought before the council. A discussion took place.

Roll Call:

Mayor Griffin	“Yes”
Council Member Sears	“Yes”
Council Member Ward	“Yes”
Council Member Zimmer	“Yes”
Council Member Duwe	Absent
Council Member Gibbons	“Yes”
Council Member Luetzow	“Yes”

The bill, having received majority approval of the Council, was adopted and became Ordinance 10785.

NEW BUSINESS

Bill 10957, authorizing and directing the City Clerk to submit a proposition to the voters within the City of Kirkwood, Missouri at the April 4, 2023 election allowing the City of Kirkwood,



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Missouri to impose a sales tax at a rate of three percent on all tangible personal property retail sales of adult use marijuana sold within the City of Kirkwood, Missouri, pursuant to Article XIV, Section 2.6(5) of the Missouri Constitution; designating the form of the ballot; and imposing such sales tax subject to the approval by the voters 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. A discussion took place.

The bill received first reading approval and was held over.

Resolution 157-2022, amending and readopting the City of Kirkwood City Fee Schedules was brought before the council. Motion was made by Council Member Zimmer and seconded by Council Member Gibbons to accept the Resolution as read.

Roll Call:

Mayor Griffin	“Yes”
Council Member Sears	“Yes”
Council Member Ward	“Yes”
Council Member Zimmer	“Yes”
Council Member Duwe	Absent
Council Member Gibbons	“Yes”
Council Member Luetzow	“Yes”

Resolution 158-2022, accepting the single source proposal of S&C Electric Company in the amount of \$197,697 for the purchase of substation circuit switches for the Sugar Creek Substation for the Electric Department and authorizing and directing the Director of Procurement to issue a Purchase Order was brought before the council. Motion was made by Council Member Ward and seconded by Council Member Zimmer to accept the Resolution as read.

Roll Call:

Mayor Griffin	“Yes”
Council Member Sears	“Yes”
Council Member Ward	“Yes”
Council Member Zimmer	“Yes”
Council Member Duwe	Absent
Council Member Gibbons	“Yes”
Council Member Luetzow	“Yes”

Resolution 159-2022, accepting the single source proposal of AZZ Switchgear Systems in the amount of \$1,500,000 for the purchase of substation switchgear for the Sugar Creek Substation for the Electric Department and authorizing and directing the Director of Procurement to



WHERE COMMUNITY AND SPIRIT MEET™

issue a Purchase Order was brought before the council. Motion was made by Council Member Zimmer and seconded by Council Member Sears to accept the Resolution as read.

Roll Call:

Mayor Griffin	“Yes”
Council Member Sears	“Yes”
Council Member Ward	“Yes”
Council Member Zimmer	“Yes”
Council Member Duwe	Absent
Council Member Gibbons	“Yes”
Council Member Luetzow	“Yes”

Resolution 160-2022, accepting the bid of Power Solutions, LLC in the amount of \$1,904,348 for the purchase of two substation transformers for the Sugar Creek Substation for the Electric Department and authorizing and directing the Director of Procurement to issue a Purchase Order was brought before the council. Motion was made by Council Member Ward and seconded by Council Member Zimmer to accept the Resolution as read.

Roll Call:

Mayor Griffin	“Yes”
Council Member Sears	“Yes”
Council Member Ward	“Yes”
Council Member Zimmer	“Yes”
Council Member Duwe	Absent
Council Member Gibbons	“Yes”
Council Member Luetzow	“Yes”

Resolution 161-2022, accepting the bid of Stella-Jones, Inc. at the rates provided in the amount not to exceed amount of \$125,000 for the purchase of wood utility poles on an as needed basis for the Electric Department and authorizing and directing the Director of Procurement to issue a Purchase Order was brought before the council. Motion was made by Council Member Ward and seconded by Council Member Zimmer to accept the Resolution as read. A discussion took place.

Roll Call:

Mayor Griffin	“Yes”
Council Member Sears	“Yes”
Council Member Ward	“Yes”
Council Member Zimmer	“Yes”
Council Member Duwe	Absent
Council Member Gibbons	“Yes”



WHERE COMMUNITY AND SPIRIT MEET™

Council Member Luetzow "Yes"

Resolution 162-2022, accepting the proposal of American Electric Power in the amount of \$385,000 for the purchase of wholesale summertime block power for the Summer of 2023 for the Electric Department and authorizing and directing the Director of Procurement to issue a Purchase Order was brought before the council. Motion was made by Council Member Ward and seconded by Council Member Zimmer to accept the Resolution as read.

Roll Call:

Mayor Griffin	"Yes"
Council Member Sears	"Yes"
Council Member Ward	"Yes"
Council Member Zimmer	"Yes"
Council Member Duwe	Absent
Council Member Gibbons	"Yes"
Council Member Luetzow	"Yes"

Resolution 163-2022, accepting the bid of Altec Industries in the amount of \$235,143 (pursuant to Sourcewell Cooperative Contract) for the purchase of a DB41 Hydraulic Derrick Service Truck for the Electric Department and authorizing and directing the Director of Procurement to issue a Purchase Order was brought before the council. Motion was made by Council Member Ward and seconded by Council Member Zimmer to accept the Resolution as read. A discussion took place.

Roll Call:

Mayor Griffin	"Yes"
Council Member Sears	"Yes"
Council Member Ward	"Yes"
Council Member Zimmer	"Yes"
Council Member Duwe	Absent
Council Member Gibbons	"Yes"
Council Member Luetzow	"Yes"

Resolution 164-2022, authorizing the addition of a new Administrative Assistant to Utilities position for the Electric Department was brought before the council. Motion was made by Council Member Zimmer and seconded by Council Member Ward to accept the Resolution as read. A discussion took place.

Roll Call:

Mayor Griffin	"Yes"
Council Member Sears	"Yes"



WHERE COMMUNITY AND SPIRIT MEET™

Council Member Ward	“Yes”
Council Member Zimmer	“Yes”
Council Member Duwe	Absent
Council Member Gibbons	“No”
Council Member Luetzow	“Yes”

Resolution 165-2022, accepting the proposal of Lochmueller Group in the not to exceed amount of \$125,900 for Right-of-Way Acquisition Services for STP-5502(610) West Essex Reconstruction project and authorizing and directing the Mayor to enter into a contract was brought before the council. Motion was made by Council Member Sears and seconded by Council Member Zimmer to accept the Resolution as read.

Roll Call:

Mayor Griffin	“Yes”
Council Member Sears	“Yes”
Council Member Ward	“Yes”
Council Member Zimmer	“Yes”
Council Member Duwe	Absent
Council Member Gibbons	“Yes”
Council Member Luetzow	“Yes”

Resolution 166-2022, authorizing and directing the Mayor to enter into a Public Highway At-Grade Crossing Agreement between the City of Kirkwood and Union Pacific Railroad for the STP-5502(609) Geyer Road Phase 2 Resurfacing Project in the amount of \$337,974 was brought before the 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 Griffin	“Yes”
Council Member Sears	“Yes”
Council Member Ward	“Yes”
Council Member Zimmer	“Yes”
Council Member Duwe	Absent
Council Member Gibbons	“Yes”
Council Member Luetzow	“Yes”

**CONSENT AGENDA ITEMS FOR DISCUSSION
NONE**



WHERE COMMUNITY AND SPIRIT MEET®

CITY COUNCIL REPORTS

Mayor Griffin announced the passing of former Council Member Barb Byerly and stated that she will be greatly missed.

Council Member Ward commented that the Kirkwood Police officers do extraordinary work, but the Shop with a Cop event is a priceless effort and commended the Kirkwood Police on this event.

CHIEF ADMINISTRATIVE OFFICER REPORT

Mr. Hawes reported the City received an Application for Liquor License, Wholesale/Distributor Intoxicating Liquor, All Kinds, from Smart Distributors, LLC Midwest, 149 Grand Avenue, Kirkwood, MO 63122. Motion was made by Council Member Gibbons and seconded by Council Member Zimmer to approve the application. The motion was unanimously approved.

CITY ATTORNEY REPORT

Mr. Hessel had nothing to report.

CITY CLERK REPORT

Ms. Asche reported on the December 7, 2022 Planning and Zoning Commission meeting. The following action was taken:

1. The Commission recommended approval of a Special Use Permit with Outdoor Use for an Animal Facility, Major for Clark Animal Hospital at 10320 Manchester Road (Greentree Center) by a vote of 7-0.

Ms. Asche reported on the upcoming Public Hearing:

January 5, 2023

A request for a Special Use Permit with Outdoor Use for an Animal Facility, Major, for Clark Animal Hospital.

ADJOURNMENT

There being no further business to come before the Council, the formal meeting was adjourned at 9:13 p.m. The next regular council meeting is scheduled for January 5, 2023 at 7:00 p.m.

Laurie Asche
City Clerk

Approved: January 5, 2023