



WHERE COMMUNITY AND SPIRIT MEET®

**City Council Meeting Minutes  
Kirkwood City Hall  
Thursday, May 16, 2024, 7:00 p.m.**

Pursuant to notice of meeting duly given by the Mayor, the City Council convened on Thursday, May 16, 2024, at 7:00 p.m. at Kirkwood City Hall, 139 South Kirkwood Road, Kirkwood, Missouri. Present: Mayor Gibbons, Council Members Luetzow, McLean, Rheinnecker, Schaefer, and Zimmer. Also in attendance were Chief Administrative Officer Russ Hawes, Assistant Chief Administrative Officer David Weidler, City Clerk Laurie Asche, and City Attorney John Hessel. Council Member Jaksetic was absent and excused.

**INTRODUCTIONS AND RECOGNITIONS**

NONE

**PRESENTATIONS**

NONE

**PUBLIC HEARINGS**

Mayor Gibbons recessed the meeting for the purpose of conducting a public hearing on a request for a Zoning Text Amendment to (1) add hours of operation to the Use-Specific Standards for the Personal and Commercial Service use in the B-1 Zoning District, and (2) to allow for the extension of hours of operation through approval of a Special Use Permit in the Use-Specific Standards for the Personal and Commercial Service, Restaurant, and Retail Business Uses in the B-1 Zoning District. Mr. Hessel entered the following exhibits into the record: An Affidavit of Publication in the Countian on April 19, 2024, as Exhibit 1; An Affidavit of Publication in the Kirkwood-Webster Times on April 19, 2024, as Exhibit 2; Memorandum from the Planning and Zoning Commission with exhibits dated March 20, 2024, as Exhibit 3; a report from the Planning and Zoning Commission with a vote of 6-0 recommending approval of a staff-initiated zoning text amendment (1) to add hours of operation to the use-specific standards for the Personal and Commercial Service use in the B-1 zoning district, and (2) to allow for extension of hours of operation through approval of a special use permit in the use-specific standards for the Personal and Commercial Service, Restaurant, and Retail Business uses in the B-1 zoning district dated March 21, 2024, as Exhibit 4; and the Kirkwood Code of Ordinances as Exhibit 5.

City Planner II Amy Lowry presented the matter to the Council:

- Staff realized that in the B-1, Neighborhood Business District, we have restricted hours for Restaurant and Retail uses, but not Personal and Commercial Services
- The definition of P&CS is up on the screen and includes health and fitness studios and other uses that may have early morning hours
- Staff is concerned that such uses may have an adverse effect on residential neighborhoods if not limited in hours
- Both retail and restaurant uses “shall not operate between 11 pm and 7 am



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- In consultation with the City Attorney and the P&Z, we added language to permit an extension of the limited hours through the special use permit process
- Since we would permit an extension of P&CS hours through the SUP process, we also wanted to give an opportunity for restaurant and retail uses to expand hours
- Recommendations and decisions on text amendment applications shall be based on consideration of the following review criteria:
  - The proposed amendment is consistent with the comprehensive plan, other adopted City plans, and the stated purposes of this code;
  - The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions;
  - The proposed amendment will promote the public health, safety, convenience, and general welfare; and
  - The proposed amendment would correct an error in the application of this code as applied to the subject properties.

Some of the discussion that took place was as follows:

- Concern was raised regarding no current limitations on the hours of operations for restaurants in the B-1 Zoning District. However, this proposal would put a limitation on the hours of operation.
- Any current businesses whose hours of operation are outside of the proposed will not be changed and will remain the same.

The bill will be placed on the June 6, 2024, agenda for first reading consideration.

### **PUBLIC COMMENTS**

1. John Burns, 1881 Charmwood Ct; made comments about cleaning the Kirkwood Athletic Field site and the purpose this will provide to the City
2. Ron Ruzicka, 2 Garden; made comments about large vehicles going down residential streets and suggestions for a road diet to try and make the streets safer
3. Michael Carmody, 352 Wind Grove; made comments about traffic and road safety

### **CONSENT AGENDA**

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

- a) Approval of the May 2, 2024 Council Meeting Minutes
- b) Resolution 73-2024, appointing Council Members to serve as Liaisons to City Boards and Commissions
- c) Resolution 74-2024, designating Council Members Gina Jaksetic and Al Rheinnecker as Members of the Audit Committee for a term through April 2026
- d) Resolution 75-2024, designating Council Member Mark Zimmer to serve as Deputy Mayor until April 2026



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- e) Resolution 76-2024, setting forth the names of Council Members in descending order of continuous tenure of the City Council to the position of Deputy Mayor for conduct of City business and management of the City's emergency response to manmade and natural disasters
- f) Resolution 77-2024, accepting the bid of Behlmann Chrysler Dodge Jeep Ram in the amount of \$44,588 (pursuant to State of Missouri Cooperative Contract) for the purchase of a 2024 Dodge Durango for the Police Department and authorizing and directing the Director of Procurement to issue a Purchase Order
- g) Resolution 78-2024, accepting the bid of Ed Roehr Safety Products Company in the amount of \$50,818.12 (pursuant to St. Louis County Cooperative Contract) for the purchase of Safety Equipment for five 2024 Dodge Durango's for the Police Department and authorizing and directing the Director of Procurement to issue a Purchase Order
- h) Resolution 79-2024, accepting the bid of Joe Machens Ford in the amount of \$60,167 (pursuant to State of Missouri Cooperative Contract) for the purchase of a 2024 Ford F-350 for the Fire Department and authorizing and directing the Director of Procurement to issue a Purchase Order
- i) Resolution 80-2024, accepting the bid of Network Technology Partners in the amount of \$19,792.08 for renewal of the City's Sophos/Central Intercept Software for the MIS Department and authorizing and directing the Director of Procurement to issue a Purchase Order
- j) Resolution 81-2024, accepting the bid of CMW Equipment in the amount of \$17,985 for the purchase of a Concrete EZ Drill Tractor for the Street Department and authorizing and directing the Director of Procurement to issue a Purchase Order

### **UNFINISHED BUSINESS**

NONE

### **NEW BUSINESS**

Bill 11033, granting a Special Use Permit for an Accessory Dwelling Unit for the property addressed as 740 North Taylor Avenue subject to certain conditions brought before the City Council. Motion was made by Council Member Zimmer and seconded by Council Member Schaefer to accept the Bill as read.

The bill received first reading approval and was held over.

Bill 11034, appropriating \$2,085.79 from the Equitable Sharing Fund Balance to the Police Department Rolling Stock Account for the purchase of Emergency Vehicle Equipment for the Police Department's Utility Terrain Vehicle brought before the City Council. Motion was made by Council Member Schaefer and seconded by Council Member Zimmer to accept the Bill as read.

The bill received first reading approval and was held over.



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Bill 11035, amending Chapter 4, Animals and Fowl, Section 4-9 of the Municipal Code of Ordinances, to provide exceptions for reasonable accommodations for persons with disabilities brought before the City Council. Motion was made by Council Member Zimmer and seconded by Council Member Schaefer to accept the Bill as read.

The bill received first reading approval and was held over.

Resolution 82-2024, accepting the proposal of CLC Engineering in the amount not to exceed of \$124,606.90 for Civil Engineering Design Services for the St. Louis Community College Substation and authorizing and directing the Mayor to enter into a contract was brought before the City Council. Motion was made by Council Member Luetzow and seconded by Council Member Schaefer to accept the Resolution as read. A discussion took place.

Motion was made by Council Member Zimmer and seconded by Council Member McLean to continue Resolution 82-2024 to June 6, 2024. The motion to continue was unanimously approved.

Resolution 83-2024, accepting single source quotation of Schulte Supply at the rates provided in the rate sheet for Neptune Water Meters, Parts, and Supplies for the Water Department, on an as needed basis, 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 Luetzow and seconded by Council Member Zimmer to accept the Resolution as read. A discussion took place.

Roll Call:

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

Resolution 84-2024, accepting bid of N.B. West Contracting at the rates provided in the memo for the purchase of Cold Mix Asphalt Materials for the Street Department, on an as needed basis, 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 Luetzow to accept the Resolution as read.

Roll Call:



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

Resolution 85-2024, accepting bid of Byrne and Jones Construction at the rates provided in the memo for the purchase of Hot Mix Asphaltic Concrete for the Street Department, on an as needed basis, 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 Schaefer and seconded by Council Member Zimmer to accept the Resolution as read.

Roll Call:

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

Resolution 86-2024, accepting the bid of JL Contracting, LLC in the amount not to exceed of \$927,505.60 (which includes a contingency of \$99,375.60) for Water Main Replacement on Big Bend between Fillmore and Kirkwood Road and authorizing and directing the Mayor to enter into a contract was brought before the City Council. Motion was made by Council Member Luetzow and seconded by Council Member Zimmer to accept the Resolution as read. A discussion took place.

Roll Call:

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

Resolution 87-2024, accepting the proposal of Tubbs & Son Construction in the amount not to exceed of \$98,423.95 (which includes a contingency of \$8,947.63) for the demolition and site clearance of the Kirkwood Athletic Association fields and authorizing



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and directing the Mayor to enter into a contract was brought before the City Council. Motion was made by Council Member Luetzow and seconded by Council Member Rheinnecker to accept the Resolution as read. A discussion took place.

Roll Call:

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

**CONSENT AGENDA ITEMS FOR DISCUSSION**

NONE

**CITY COUNCIL REPORTS**

Mayor Gibbons attended a meeting by the Swim On Foundation and they presented education on drowning preventions. The foundation is offering training classes if you anyone would to attend.

Council Member Luetzow invited Council to a Town Hall Talk at the Kirkwood Performing Arts Center on May 21<sup>st</sup> from 6:30 to 8 pm. This Town Hall will hosted by the Kirkwood & Brentwood Police Department in cooperation with the US Drug Enforcement Administration. There will be 90 minutes of open discussion and the event is free to the public.

Council Member Schaefer attended the Library Board meeting. Mr. Schaefer thanked Ben Clark the Board chair for all his hard work. Elections were held and Patty Smith was elected as new Board chair.

**CHIEF ADMINISTRATIVE OFFICER REPORTS**

Mr. Hawes reported that the City received an Application for a Liquor License from 7-Eleven Store #19507L, 639 West Woodbine Avenue, to sell Intoxicating Liquor in its Original Package, Plus Sunday. **(Continued from May 2, 2024)**

Mr. Hawes stated that since the continuation, the City received word from the owner that they no longer are petitioning for the liquor license and no longer planning to operate the store. Motion was made by Council Member Rheinnecker and seconded by Council Member Zimmer to remove the item from the agenda. The motion to remove the item was unanimously approved.

Mr. Hawes reported that the City received an Application for a Liquor License from Sri Lakshmi, BP, 10901 Manchester Road, to sell Intoxicating Liquor in its Original Package, Plus Sunday. **(Continued from May 2, 2024)**



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Mr. Hessel stated that after reviewing the application, he was under the impression that the application for a liquor license was under the new business owner. Sri Lakshmi did not match up with the existing business license or liquor license that was issued to One Stop BP LLC. The prior owner did business as One Stop BP LLC which is a fictitious name. The proper owner is Sri Lakshmi BP LLC and he is now the sole owner and member of the LLC. This matter should have never been brought to the City Council, because it is merely the naming of a new managing officer under the existing business owner. Mr. Hessel met with the new owner Nihar Garlapati and he informed Council that he is making a fresh start with this business.

A discussion took place. Motion was made by Council Member Schaefer and seconded by Council Member Zimmer to remove the item from the agenda. The motion to remove the item was unanimously approved.

### **CITY ATTORNEY REPORTS**

NONE

### **CITY CLERK REPORTS**

Ms. Asche read the report of the May 15, 2024 meeting of the Planning and Zoning Commission, the following action was taken:

1. By a vote of 7-0, the Commission recommended approval of a Zoning Map Amendment from B-4, Planned Commercial District, to B-2, Central Business District, at 119 W. Woodbine Avenue. A public hearing before the City Council is requested on this zoning map amendment. A public hearing will be scheduled.
2. By a vote of 7-0, the Commission recommended approval for a Special Use Permit for Outdoor Dining for Snarf's Sandwiches at 10935 Manchester Road, Suite 200. A public hearing will be scheduled.

### **ADJOURNMENT**

There being no further business to come before the Council, the formal meeting was adjourned at 8:14 p.m. The next regular meeting of the Kirkwood City Council will take place at 7:00 p.m. on June 6, 2024.

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Laurie Asche  
City Clerk

**Approved:**