



WHERE COMMUNITY AND SPIRIT MEET®

**KIRKWOOD CITY COUNCIL  
KIRKWOOD CITY HALL  
DECEMBER 21, 2017  
7:00 p.m.**

Pursuant to notice of meeting duly given by the Mayor, the City Council convened on Thursday, December 21, 2017, at 7:00 p.m. at Kirkwood City Hall, 139 South Kirkwood Road, Kirkwood, Missouri. Present were Mayor Griffin, Council Members Duwe, Luetzow, Sears Ward, and Zimmer. Also in attendance were Assistant Chief Administrative Officer Georgia Ragland, City Clerk Betty Montañó, and City Attorney John Hessel. Council Member Edman and Chief Administrative Officer Russell Hawes were absent and excused.

**PRESENTATIONS**

NONE

**INTRODUCTIONS AND RECOGNITIONS**

NONE

**PUBLIC HEARINGS**

Mayor Griffin recessed the meeting for the purpose of conducting a public hearing regarding a request for a Special Use Permit to allow the expansion of a non-conforming use for Frei Glass and a Site Plan to allow the construction of two buildings and a parking lot at 1017 West Adams Avenue. Mr. Hessel entered the following exhibits into the record: an Affidavit of Publication in the St. Louis Countian on November 22, 2017, as Exhibit 1; an Affidavit of Publication in the Webster Kirkwood Times on November 24, 2017, 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 November 16, 2017, as Exhibit 5; the Planning and Zoning Commission Subcommittee Report dated November 15, 2017, as Exhibit 6; and the Kirkwood Code of Ordinances as Exhibit 7.

City Planner Jonathan Raiche presented information pertaining to the request:

- The applicant has requested an expansion of their legal nonconforming use for the purposes of demolishing the existing accessory structures to build on new studio/office building at approximately 6,200 square feet and a new 2,700 square foot accessory structure.
- Both of these buildings would be in addition to the existing home.
- In addition to the proposed structures, the applicant also proposes to construct surface parking for 12 vehicles
- The proposal would require a modification or variance for the number of required parking spaces and would also require a variance for; the location and size of the



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- proposed accessory building, site yard setback on the west, rear yard setback, and lower lighting levels proposed than required by code.
- Petitioner Steven Frei presented a power point.
- A discussion took place regarding boundary adjustments. The petitioner wishes to go before the Board of Adjustment for variances first.
- The number of required parking spaces is based on square footage, not number of employees.

#### Public Comments

1. Don Lewis, 420 Gabriel Drive, in favor of the proposal.
2. Jerrie O’Neil, 432 Gabriel Drive, in favor of the proposal.
3. Mickey Button, 428 Gabriel Drive, in favor of the proposal.
4. Susan Lewis, 420 Gabriel Drive, in favor of the proposal.
5. Nancy Cooksey, 405 Gabriel Drive, in favor of the proposal.

The bill will be placed on the January 4, 2017 agenda for first reading consideration.

#### **PUBLIC COMMENTS**

1. Bryan Hahlbeck, 2323 Locust Street, 63103, with Civic Plus, submitted an RFP for the Website Redesign Services and questioned why their company was not chosen. Handed staff information pertaining to the selected vendor.
2. David Anderson, 521 Taylor Young Drive, questioned what company has been selected to do the deer population census.
3. William Keller, 2607 Briar Valley, complimented City staff and the Planning and Zoning Commission on all of their hard work regarding the Zoning Code change for corner lot setbacks.
4. Duane Orr, 3 Forest Oak Ct., O’Fallon, MO, opposed to LAGERS.
5. Jennifer Dahm, 756 Emerald Oaks Ct, Eureka, MO, opposed to LAGERS.

#### **CONSENT AGENDA**

Motion was made by Council Member Ward and seconded by Council Member Luetzow to approve the Consent Agenda. It was requested that item (c) be pulled and placed at the end of the agenda. The Consent Agenda was unanimously approved.

- a) Approval of the December 7, 2017 City Council Meeting Minutes
- b) Resolution 156-2017, accepting the bid of Banner Fire Equipment for ten Draeger Thermal Imaging Cameras for the Fire Department and directing the issuance of a Purchase Order (\$79,920)
- c) Resolution 157-2017, accepting the proposal of Vision Technology Solutions, LLC for website redesign and hosting services and directing the Mayor to

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- d) enter into a contract (\$49,700) ***\*Removed and placed at the end of the agenda***
- e) Resolution 158-2017, transferring funds from Police Department accounts to the training account for tuition reimbursement (\$13,670)

**OLD BUSINESS**

Bill 10599, granting a Special Use Permit amendment for a restaurant, outdoor seating, and outdoor uses in conjunction with said restaurant use at 127 and 133 West Clinton Place subject to certain conditions, was brought before the council.

Roll Call Vote as Follows:

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

The bill, having received majority approval of the council, was adopted and became Ordinance 10446.

Bill 10600, appropriating \$1,935 from MoDOT Grant proceeds received to Revenue/Grants and then to an expenditure account to purchase Stanchions for use during rentals and special events at the Train Station, was brought before the council.

Roll Call Vote as Follows:

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

The bill, having received majority approval of the council, was adopted and became Ordinance 10447.



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Motion was made by Council Member Ward and seconded by Council Member Luetzow to bring Substitute Bill 10601 to the floor for consideration. The motion was unanimously approved.

Substitute Bill 10601, authorizing the City of Kirkwood, Missouri, to enter into a Lease Purchase Transaction, the proceeds of which will be used to pay the costs of certain improvements within the City and other costs related thereto; appropriating basic rent payments for the original term; and authorizing the execution of certain documents and actions in connection therewith, was brought before the council. A discussion took place.

Roll Call Vote as Follows:

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

The bill, having received majority approval of the council, was adopted and became Ordinance 10448.

Bill 10602, amending the Kirkwood Code of Ordinances Chapter 18, Section 18-1 to add the Performing Arts Center to the list of Kirkwood Parks, was brought before the council.

Roll Call Vote as Follows:

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

The bill, having received majority approval of the council, was adopted and became Ordinance 10449.



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Motion was made by Council Member Duwe and seconded by Council Member Zimmer to remove Bill 10243 from the Tabled Agenda. The motion was unanimously approved. Motion was made by Council Member Luetzow and seconded by Council Member Sears to approve the Bill for first reading approval. The motion failed with all opposed.

### **NEW BUSINESS**

Bill 10603, changing the zoning from R-5 Multiple Family residential District to B-2 General Business District (Central Business District) on property known as 103 North Taylor Avenue being on an approximately 0.37 acre site on the northwest corner of Taylor Avenue and Argonne Drive and directing such change in the Zoning District Map, was brought before the council. Motion was made by Council Member Zimmer and seconded by Council Member Duwe to accept the bill for first reading approval. The motion was unanimously approved.

The bill received first reading approval and was held over.

Bill 10604, amending the provisions of the Municipal Code, Appendix A – Zoning, regarding Corner Lot Setbacks in the R-3 and R-4 Single Family Residential Districts, was brought before the council. Motion was made by Council Member Luetzow and seconded by Council Member Ward to accept the bill for first reading approval. The motion was unanimously approved. A discussion took place.

The bill received first reading approval and was held over.

Bill 10605, amending the provisions of the Municipal Code, Appendix A – Zoning, Section A-1040, Lighting Regulations, was brought before the council. Motion was made by Council Member Sears 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 10606, authorizing and directing the City Clerk to submit a Proposition to the voters within the City of Kirkwood at the April 3, 2018 Election calling for the repeal of Section 5.3 of the City Charter to allow employees within the Police and Fire Departments to participate in the Missouri Local Government Employees Retirement System (“LAGERS”) and to continue the property tax levy for the sole purpose of funding Police and Fire Pension benefits, was brought before the council. Motion was made by Council Member Ward and seconded by Council Member Sears to accept the bill for first reading approval. A discussion took place. The motion was approved. Council Member Luetzow abstained.

The bill received first reading approval and was held over.



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Bill 10607, amending and restating Chapter 18 ½, Article II “City of Kirkwood Police Officers’ and Fire Fighters’ Pension Plan”, Section 18 ½ -20 through 18 ½ -39, subject to the repeal of Section 5.3 of the City Charter by the voters of the City of Kirkwood, was brought before the council. Motion was made by Council Member Ward and seconded by Council Member Sears to accept the bill for first reading approval. A discussion took place. The motion was unanimously approved.

The bill received first reading approval and was held over.

Bill 10608, amending and restating Chapter 18 ½, Article I “City of Kirkwood Employees’ Pension Plan”, Section 18 ½ -1 through 18 ½ -19, subject to the repeal of Section 5.3 of the City Charter by the voters of the City of Kirkwood, was brought before the council. Motion was made by Council Member Sears and seconded by Council Member Zimmer to accept the bill for first reading approval. The motion was unanimously approved.

The bill received first reading approval and was held over.

Resolution 159-2017, approving the Site Plan for a parking lot on the property known as 120 West Monroe Avenue, was brought before the council. Motion was made by Council Member Sears and seconded by Council Member Luetzow to accept the Resolution as read.

Roll Call Vote as Follows:

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

#### **CONSENT AGENDA ITEMS FOR DISCUSSION**

Resolution 157-2017, accepting the proposal of Vision Technology Solutions, LLC, in a not to exceed amount of \$49,700 (which includes a contingency of \$10,000) for Website Redesign and Hosting Services and authorizing and directing the Mayor to enter into a contract, 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 too place.

Roll Call Vote as Follows:

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

#### **CITY COUNCIL REPORTS**

Mayor Griffin reported that the Winter Fireworks will be on Saturday, December 30<sup>th</sup> at 6:30 p.m.

Council Member Ward announced that he welcomed a new Grandson. Wished everyone a very Merry Christmas and a Happy New Year.

#### **CHIEF ADMINISTRATIVE OFFICER REPORT**

Ms. Ragland had nothing to report.

#### **CITY ATTORNEY REPORT**

Mr. Hessel had nothing to report.

#### **CITY CLERK REPORT**

Mrs. Montaño wished everyone a Happy Holiday.

#### **ADJOURNMENT**

There being no further business to come before the Council, the meeting was adjourned at 8:28 p.m. The next regular council meeting is scheduled for January 4, 2018, at 7:00 p.m.

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Laurie Asche, CMC/MRCC  
Deputy City Clerk

***Approved: January 4, 2018***