

**MINUTES OF MEETING
CITY COUNCIL OF THE CITY OF LADUE
ST. LOUIS COUNTY, MISSOURI
TUESDAY, JANUARY 22, 2013, 4:00 P.M.**

The regular meeting of the City Council of the City of Ladue, St. Louis County, Missouri was held on Tuesday, January 22, 2013, at 4:00 p.m., at the City Hall, 9345 Clayton Road. The following were present:

The Hon. Anthony M. Bommarito, Mayor, presiding.

Members of the Council present:

A. Charles Hiemenz
Art Bond
Walter G. Stern
John R. Fox (arrived 4:35 PM)
Harold Burroughs (arrived 4:05 PM)
Nancy Spewak

Four Council Members present.

Also present were Michael W. Wooldridge, Assistant to the Mayor/City Clerk; Mr. Rick Jett, Finance Director; Rich Wooten, Police Chief; Jeff Johnson, Acting Fire Chief; Ms. Anne Lamitola, Director – Public Works; Mr. James Schmieder, Ladue Building Department; Mr. James Schiele, Chairman – Finance, Revenue, and Taxation Committee; Mr. Mike Gartenberg, Building Official; and Mr. John Maupin, City Attorney.

Approval and Adoption of the Agenda: Council Member Stern moved the adoption of the agenda amended as follows:

- Approval of change order #1 for the Warson Road Phase / Ladue Road sidewalk project;
- Approval of a contract with Summers, Compton and Wells, 8909 Ladue Road, for payment of improvements at Ladue Rd. & I-170.

seconded by Council Member Hiemenz and the vote thereupon was as follows:

Council Member Hiemenz "Aye"

Council Member Bond	"Aye"
Council Member Stern	"Aye"
Council Member Spewak	"Aye"

The motion was passed unanimously.

Approval of Minutes:

Mayor Bommarito asked for any amendments, corrections or clarifications to the Minutes of the Regular Meeting of November 19, 2012, and the Regular and Closed Meeting of December 17, 2012. Council Member Hiemenz moved approval of the Minutes; seconded by Council Member Spewak, which motion passed unanimously.

(Council Member Burroughs arrived 4:05 PM)

Public Forum: (Minutes are included in the attached transcript)

Public Hearing: (Minutes are included in the attached transcript)

NOTICE OF PUBLIC HEARING
CITY COUNCIL, CITY OF LADUE
ST. LOUIS COUNTY, MISSOURI

Notice is hereby given that the City Council of the City of Ladue will hold a Public Hearing on a recommendation submitted by the Zoning and Planning Commission that the City Council amend the Special Use Permit issued to Lester's Plaza to allow additional joint parking and outdoor dining.

The Hearing will be held at 4:00 PM, or as soon thereafter as the matter may be properly heard, on Tuesday, January 22, 2013, at the Ladue City Hall, 9345 Clayton Road.

The Hearing will be open to the public and any person interested in the proceedings will be given an opportunity to be heard.

Michael W. Wooldridge
City Clerk/Assistant to Mayor

Zoning and Planning Matters:

Request by Edgewild Restaurant & Winery, 9160 Clayton Road, for a special use permit to serve liquor by the drink.

Council Member Spewak moved to refer the request to the Zoning and Planning Commission for review and recommendation. The motion was seconded by Council Member Burroughs the vote thereupon was as follows:

Council Member Hiemenz	"Aye"
Council Member Bond	"Aye"
Council Member Stern	"Aye"
Council Member Spewak	"Aye"
Council Member Burroughs	"Aye"

The motion was passed by a unanimous vote.

Proposed Legislation:

Bill 2059 – an ordinance amending Section 2-293 relating to the composition of the Public Works Committee.

Mr. Wooldridge advised that the proposed bill will increase the number of committee members to six from five members. He stated the change was unanimously recommended by the members of the Public Works Committee.

Council Member Stern moved the introduction of Bill 2059, seconded by Council Member Hiemenz, which motion passed unanimously.

Council Member Burroughs moved the first reading of Bill 2059 seconded by Council Member Bond, which motion passed unanimously.

Council Member Stern moved the second reading of Bill 2059; seconded by Council Member Burroughs, which motion passed unanimously.

Council Member Stern moved adoption of Bill 2059, seconded by Council Member Burroughs, and the vote thereupon was as follows:

Council Member Hiemenz	"Aye"
Council Member Bond	"Aye"
Council Member Stern	"Aye"
Council Member Spewak	"Aye"
Council Member Burroughs	"Aye"

The motion was passed by a unanimous vote.

Mayor Bommarito declared Bill 2059 adopted as **Ordinance 2059**.

Bill 2060 – an ordinance establishing a framework for public employee certification and collective bargaining.

Mr. Wooldridge stated the proposed bill provides procedures for the organizing of city employees for purposes of certification and collective bargaining. Mr. Wooldridge explained that recent Missouri Supreme Court rulings necessitated the adoption of the procedures. The bill was reviewed by the City's attorneys, Mr. Maupin and Mr. Hesse.

Council Member Hiemenz moved the introduction of Bill 2060, seconded by Council Member Stern, which motion passed unanimously.

Council Member Stern moved the first reading of Bill 2060 seconded by Council Member Burroughs, which motion passed unanimously.

Council Member Bond moved the second reading of Bill 2060; seconded by Council Member Spewak which motion passed unanimously.

Council Member Stern moved adoption of Bill 2060, seconded by Council Member Burroughs, and the vote thereupon was as follows:

Council Member Hiemenz	"Aye"
Council Member Bond	"Aye"
Council Member Stern	"Aye"
Council Member Spewak	"Aye"
Council Member Burroughs	"Aye"

The motion was passed by a unanimous vote.

Mayor Bommarito declared Bill 2060 adopted as **Ordinance 2060**.

Bill 2061 – an ordinance authorizing the execution of an agreement with the Missouri Highways and Transportation Commission pertaining to the I-170 SB ramps at Ladue Road, entrance shift project.

Council Member Hiemenz moved the introduction of Bill 2061, seconded by Council Member Stern, which motion passed unanimously.

Council Member Spewak moved the first reading of Bill 2061 seconded by Council Member Burroughs, which motion passed unanimously.

Council Member Stern moved the second reading of Bill 2061; seconded by Council Member Bond which motion passed unanimously.

Council Member Stern moved adoption of Bill 2061, seconded by Council Member Hiemenz, and the vote thereupon was as follows:

Council Member Hiemenz	"Aye"
Council Member Bond	"Aye"
Council Member Stern	"Aye"
Council Member Spewak	"Aye"
Council Member Burroughs	"Aye"

The motion was passed by a unanimous vote.

Mayor Bommarito declared Bill 2061 adopted as **Ordinance 2061**.

Financial Matters:

The Council reviewed the **vouchers for payment** for the month of December 2012. Council Member Stern moved their approval, seconded by Council Member Hiemenz, which motion passed unanimously.

The Mayor and Council reviewed the Treasurer and Collector's reports for December 2012. The Mayor ordered the reports filed for information.

The Financial Report for December 2012 was not presented because of year-end closing.

The Mayor and Council reviewed the Cash Flow Summary for December 2012. The Mayor ordered the report filed for information.

The Mayor and Council reviewed the Delinquent Real Estate Tax Report as of December 2012. The Mayor ordered the report filed for information.

Department Reports:

(Council Member Fox arrived 4:35 PM)

Fire Department: The Council reviewed the Fire Department Activity Report for December 2012. The Mayor ordered the report filed.

Acting Fire Chief Johnson reviewed a recommendation to maintain a reserve ambulance as a backup to the new frontline ambulance. He advised that matter

was reviewed by the Board of Fire & Police Commissioners at its January 14, 2013, meeting. The Board unanimously recommended maintaining the reserve ambulance capability.

Council Member Hiemenz discussed the use of the fire truck as a backup for EMS response and the use of mutual aid for medical transport. He asked Acting Chief Johnson if given a choice would he maintain a reserve pumper or ambulance. Chief Johnson indicated he would prefer to maintain a reserve pumper.

Council Member Stern commented that he thought the reserve ambulance should be sold and the proceeds applied to the construction of the firehouses.

Council Member Fox advised he attended the Fire and Police Board meeting, and supported their recommendation. He suggested that the matter be reviewed in one year to more accurately determine the vehicle's use and cost.

Council Member Spewak expressed support Council Member Fox's recommendation.

Council Member Fox moved to accept the Fire & Police Board recommendation to maintain a reserve ambulance capability and to review the issue in one year. The motion was seconded by Council Member Burroughs, and the vote thereupon was as follows:

Council Member Hiemenz	"Nay"
Council Member Bond	"Aye"
Council Member Stern	"Nay"
Council Member Fox	"Aye"
Council Member Spewak	"Aye"
Council Member Burroughs	"Aye"

The motion was passed by a majority vote.

Police Department: The Council reviewed the Police Activity Report for the period January 1, 2012 through December 31, 2012. The Mayor ordered the report filed.

Chief Wooten reviewed the preliminary year end crime statistics for 2012. He noted that 47% of reported crimes were cleared. He noted that 50% - 52% of the burglaries were cleared and the national average is 12% - 14% cleared.

Public Works: The Mayor and Council reviewed the Public Works report for the period through December 2012. The Mayor ordered the report filed.

Ms. Lamitola advised that beginning in 2013 brush pickup will end on September 30 and leaves will be picked up during the month of October. She explained this schedule may result in more timely leaf scheduling.

Council Member Hiemenz noted that the report indicated a net decrease of two employees in the department. Ms. Lamitola explained that the open positions are the result of recent retirements. She advised that she is reviewing the workload to determine the number of personnel required.

Approval of a supplemental agreement with MODOT for the McKnight Road / Sidewalk projects.

Ms. Lamitola explained that the supplemental agreement incorporates the recent McKnight sidewalk grant into the original agreement for the McKnight Road bridges and resurfacing project (Ordinance 2020).

Council Member Stern asked if the project is still within budget. Ms. Lamitola stated that the project is currently meeting budget projections.

Council Member Hiemenz reviewed the project timeline and also emphasized the need to maintain fiscal responsibility for this project.

Council Member Bond suggested a project sheet be made for each major project so that the City Council can track the project costs.

Council Member Fox moved approval of the supplemental agreement with MODOT for the McKnight Road / Sidewalk projects; seconded by Council Member Burroughs, and the vote thereupon was as follows:

Council Member Hiemenz	"Aye"
Council Member Bond	"Aye"
Council Member Stern	"Aye"
Council Member Fox	"Aye"
Council Member Spewak	"Aye"
Council Member Burroughs	"Aye"

The motion was passed by a unanimous vote.

Approval of a contract with Reitz & Jens for engineering services related to the mulch site resurfacing at a cost not to exceed \$55,000.00.

Ms. Lamitola advised that the proposed resurfacing is included in the 2013 storm water budget and completes the site resurfacing begun in 2009. She indicated the 1.2 acres of resurfacing will more properly direct water runoff and bring the site into better compliance with MSD and Missouri Department of Natural Resources requirements.

Council Member Stern moved approval of the contract with Reitz & Jens for engineering services related to the mulch site resurfacing at a cost not exceed \$55,000.00, seconded by Council Member Fox, and the vote thereupon was as follows:

Council Member Hiemenz	"Aye"
Council Member Bond	"Aye"
Council Member Stern	"Aye"
Council Member Fox	"Aye"
Council Member Spewak	"Aye"
Council Member Burroughs	"Aye"

The motion was passed by a unanimous vote.

Approval of a contract amendment with Horner & Shifrin for engineering services related to the McKnight Road bridge / road resurfacing and sidewalk projects at an additional cost of \$67,000.00.

Ms. Lamitola stated the City Council previously approved \$45,000.00 for engineering services related to this project pending a grant award for the sidewalk project. She advised the additional cost of \$67,000.00 will complete the required engineering work for a total cost of \$112,000.00.

Council Member Hiemenz moved approval of the amended contract with Horner & Shifrin for engineering services related to the McKnight Road bridge / road resurfacing, and sidewalk projects at an additional cost of \$67,000.00, seconded by Council Member Spewak, and the vote thereupon was as follows:

Council Member Hiemenz	"Aye"
Council Member Bond	"Aye"
Council Member Stern	"Aye"
Council Member Fox	"Aye"
Council Member Spewak	"Aye"
Council Member Burroughs	"Aye"

The motion was passed by a unanimous vote.

Approval of proposed Change Order #1 in the additional amount of \$10,444.00 to the Gershenson Construction contract (original cost \$366,633.45, approved 10/22/2012) for the Ladue Rd. / N. Warson Rd. sidewalk project.

Ms. Lamitola explained the additional cost is the result of additional wall required for a portion of the sidewalk along Ladue Road.

Council Member Stern moved approval of Change order #1 in the additional amount of \$10,444.00 to the Gershenson Construction contract; seconded by Council Member Spewak, and the vote thereupon was as follows:

Council Member Hiemenz	"Aye"
Council Member Bond	"Aye"
Council Member Stern	"Aye"

Council Member Fox	"Aye"
Council Member Spewak	"Aye"
Council Member Burroughs	"Aye"

The motion was passed by a unanimous vote.

Approval of a contract with Summers, Compton & Wells, 8909 Ladue Road, regarding payment for improvements at Ladue Road & I-170.

Mr. Maupin reviewed the proposed agreement which provides the funding for the City's 20% cost share of the project previously approved under Bill 2061. He stated that SCW has agreed to pay the City's expenses for the project.

Council Member Stern moved approval of the contract with Summers, Compton & Wells regarding the payment for improvements at Ladue Road & I-170; seconded by Council Member Hiemenz, and the vote thereupon was as follows:

Council Member Hiemenz	"Aye"
Council Member Bond	"Aye"
Council Member Stern	"Aye"
Council Member Fox	"Aye"
Council Member Spewak	"Aye"
Council Member Burroughs	"Aye"

The motion was passed by a unanimous vote.

Municipal Court:

The Mayor and Council reviewed the Municipal Court report for December 2012. The Mayor ordered the report filed.

Administration/City Clerk.

The Mayor and Council reviewed the building department report for December 2012. Year-to-date 234 reportable permits were issued for a construction value of \$99.3 million, an increase of 159.3% compared to 2011.

Mr. Wooldridge further related that during the period 2002 – 2012 a total of 2,583 reportable building permits were issued reflecting a construction value of

\$675,681,627.00. He advised that 12 new residences were permitted in 2012 at an average cost of \$1,512,119.69 per residence.

Mr. Wooldridge presented a building permit (#66616) extension request at 1705 N. Woodlawn Avenue for 15 months.

Council Member Hiemenz moved approval of the fifteen month building permit extension, seconded by Council Member Burroughs, and the vote thereupon was as follows:

Council Member Hiemenz	"Aye"
Council Member Bond	"Aye"
Council Member Stern	"Aye"
Council Member Fox	"Aye"
Council Member Spewak	"Aye"
Council Member Burroughs	"Aye"

The motion was passed by a unanimous vote.

Mr. Wooldridge requested approval of a contract with Larimore Associates for software support at a cost of \$10,480.00. Mr. Wooldridge advised that the software provides for the operation of the city's address and property files, building permitting, and police incident records.

Council Member Burroughs moved approval of the contract with Larimore Associates for software support at a cost of \$10,480.00. The motion was seconded by Council Member Hiemenz, and the vote thereupon was as follows:

Council Member Hiemenz	"Aye"
Council Member Bond	"Aye"
Council Member Stern	"Aye"
Council Member Fox	"Aye"
Council Member Spewak	"Aye"
Council Member Burroughs	"Aye"

The motion was passed by a unanimous vote.

Appointments: Mayor Bommarito requested approval of the appointment of John Brauer, 32 Glen Eagles, to the Public Works Committee for a three-year term ending December 31, 2015.

Council Member Stern moved the appointment of John Brauer to the Public Works Committee for a term ending December 31, 2015. The motion was seconded by Council Member Burroughs and the vote thereupon was as follows:

Council Member Hiemenz	"Aye"
Council Member Bond	"Aye"
Council Member Stern	"Aye"
Council Member Fox	"Aye"
Council Member Spewak	"Aye"
Council Member Burroughs	"Aye"

The motion was passed by a unanimous vote.

Liquor Licenses: None

Adjournment:

Mayor Bommarito stated the next regular meetings would be February 19, and March 18, 2013.

Mayor Bommarito advised there were items for discussion in executive session involving legal and personnel matters under RSMo. Section 610.021 (1) & (3).

Council Member Hiemenz moved to go into closed session for discussion of legal and personnel matters as provided under RSMo. 610.021; seconded by Council Member Spewak, and the vote thereupon was as follows:

Council Member Hiemenz	"Aye"
Council Member Bond	"Aye"
Council Member Fox	"Aye"
Council Member Stern	"Aye"
Council Member Burroughs	"Aye"
Council Member Spewak	"Aye"

The motion was passed unanimously.

(The Mayor and Council went into closed session at 5:30 PM with Mr. Wooldridge and Mr. Maupin).

Council Member Burroughs moved to return to open session, seconded by Council Member Hiemenz, and the vote thereupon was as follows:

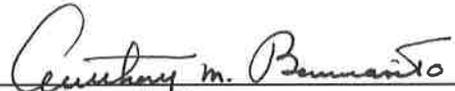
Council Member Hiemenz	"Aye"
Council Member Bond	"Aye"
Council Member Fox	"Aye"
Council Member Stern	"Aye"
Council Member Burroughs	"Aye"
Council Member Spewak	"Aye"

The motion was passed unanimously.

(returned to open session at 6:00 PM)

Council Member Burroughs moved adjournment, seconded by Council Member Hiemenz, which motion passed unanimously. The meeting adjourned at 6:00 PM.

APPROVED THIS 19th DAY OF FEBRUARY 2013.


Anthony M. Bommarito, Mayor

ATTEST:


Michael W. Wooldridge, City Clerk

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ZONING BOARD OF ADJUSTMENT

CITY OF LADUE

LADUE, MISSOURI

IN THE MATTER OF:)
)
CITY COUNCIL)
CITY OF LADUE)
LADUE, MISSOURI 63124)

BE IT REMEMBERED that on the 22nd day of
January, 2013, hearing was held before the City
Council of the City of Ladue, Missouri, at Ladue City
Hall, 9345 Clayton Road, in the City of Ladue, State
of Missouri 63124, regarding the above-entitled matter
before Bobbie L. Luber, Certified Court Reporter,
Registered Professional Reporter, a Notary Public
within and for the State of Missouri, and the
following proceedings were had.

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A P P E A R A N C E S:

COUNCIL MEMBERS:

- Mayor Anthony M. Bommarito, Chairman
- Mr. Art Bond
- Mr. Hal Burroughs
- Mr. John R. Fox
- Mr. Charles Hiemenz
- Ms. Nancy Spewak
- Mr. Walter Stern

Also Present:

- Mr. John Maupin, City Attorney
- Mr. Michael Wooldridge, City Clerk

- Mr. Lee Cannon
- Ms. Sandy Gardner

Court Reporter:
Bobbie L. Luber
Registered Professional Reporter #9209
Missouri CCR #621
Illinois CSR #084.004673
Bobbie Luber, LLC
P.O. Box 31201
St. Louis, MO 63131
(314) 993-0911

1 (The Meeting of the City Council of the City
2 of Ladue was called to order at 4:00 p.m.)

3 CHAIRMAN BOMMARITO: Good evening,
4 everyone. I would like to call the meeting to order.

5 First, we need a motion to adopt the
6 revised agenda which includes a change order request
7 for a Public Works project, and also the approval of a
8 contract for payment of improvements at Ladue Road and
9 I-170.

10 MR. STERN: So moved.

11 CHAIRMAN BOMMARITO: Second?

12 MR. HIEMENZ: Second.

13 CHAIRMAN BOMMARITO: In favor?

14 Mr. Art Bond: Aye.

15 Mr. Hal Burroughs: Aye.

16 Mr. John R. Fox: Aye.

17 Mr. Charles Hiemenz: Aye.

18 Ms. Nancy Spewak: Aye.

19 CHAIRMAN BOMMARITO: Opposed?

20 Second, we need a motion to approve the
21 minutes of the November 19th, 2012, meeting, as well
22 as the regular and closed meetings of December 17th,
23 2012.

24 MR. STERN: So moved.

25 MS. SPEWAK: Second.

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CHAIRMAN BOMMARITO: In favor?

Mr. Art Bond: Aye.

Mr. Hal Burroughs: Aye.

Mr. John R. Fox: Aye.

Mr. Charles Hiemenz: Aye.

Ms. Nancy Spewak: Aye.

CHAIRMAN BOMMARITO: Opposed?

At this time I would like to open the public forum. If there is anyone in the audience who would like to say a few words to the Council at this time, would they please step forward. Yes, ma'am.

MS. MARKS: Mayor, and Council members, I would like to introduce myself. I'm Lorie Marks. I live at 5 Clermont Lane. Our property adjoins Ladue Road, where we have an ongoing sidewalk project. I have some questions.

I'm also speaking on behalf of our neighbors, Carol Wall at Number 2 Clermont. I know Carol spoke to the City Works Department today, and I just need verification of some information that we received.

That the project has been stalled due to the fact that Laclede Gas has to move their gas lines. At such time they do that our gas will be shut off. We were also told that AT&T needs to move their line,

1 at which time our service will be cut off. And we are
2 just concerned about exactly when these issues might
3 actually take affect. Certainly we can't, I think,
4 turn gas off in this kind of weather.

5 So, we are concerned about how long this
6 project is going to be stalled. We are concerned
7 about the severe erosion to the property that adjoins
8 our property. And the severe damage to the tree roots
9 that will remain exposed and unprotected and
10 unsupported while this project is stalled.

11 We just appreciate whatever sort of
12 clarification you can give to this information and
13 provide us with a little more information on how this
14 all can be resolved. Thank you.

15 CHAIRMAN BOMMARITO: Anne, would you like
16 to comment on that?

17 MS. LAMITOLA: Hi. I'm Anne, the Public
18 Works director.

19 The gas line is only the gas lateral just
20 to Clermont, and so that's going to affect the Walls
21 at the corner. And it's just a seven-foot section.
22 So, hopefully they will be able to lower it and then
23 make the connections, and any disruptions will be
24 coordinated with them directly. It won't affect you.

25 The AT&T pole, we are experiencing some

1 delays with AT&T. They need to relocate overhead
2 lines, and then they need to lower the line that goes
3 under Ladue. So, we are going to be able to make
4 progress on the other walls, but that wall there, the
5 one closest to Ladue and Warson, we are already on
6 AT&T. We are going to move as quickly as we can, but
7 we are at their mercy.

8 And I did speak to Ms. Wall about any
9 erosion issues. We are going to get the wall in and
10 then we are going to backfill, we are going to
11 determine if there are any issues and any planting
12 that we can do to stabilize that bank if there is some
13 erosion issue there.

14 So I am aware of all of those issues, and
15 we are working on them.

16 MS. MARKS: Thank you.

17 CHAIRMAN BOMMARITO: Yes, ma'am.

18 MS. MARSHALL: My name is Carla Marshal
19 (phonetic). I'm president of the Mary Hill
20 Association. I have a number of residents here with
21 me. If you all would like to stand.

22 We are back here to try to discuss
23 positively a way in participate in what is going to be
24 going on the south side of Ladue Road. It's going to
25 look so beautiful when we are finished. And our side

1 is not.

2 We know that perhaps your budget has
3 already perhaps been allocated for the entire year,
4 but perhaps it has not. The taxpayers have spent a
5 lot of money throughout Ladue for curbing and for
6 sidewalks in many different places. We would like to
7 request consideration of perhaps allocating some funds
8 for our side of the street so it will as good as the
9 other side of the street.

10 For safety purposes and communicative
11 purposes, we would like to have some kind of bylaw
12 with either the Council or Public Works, or however we
13 can move forward on this, we would really appreciate
14 some consideration. Thank you.

15 CHAIRMAN BOMMARITO: Does anybody on the
16 Council want to comment on that?

17 MS. SPEWAK: I just wonder if maybe they
18 could coordinate with Anne and fill her in on what is
19 going on over there.

20 CHAIRMAN BOMMARITO: At one time they
21 requested some curbing on the north side of Ladue
22 Road, I know that. And I know they wanted to
23 resurrect it now that the project has started on the
24 south side of Ladue Road. And they were wanting to
25 know if there are funds available so that they could

1 do that project.

2 MR. HIEMENZ: I believe, Mayor, at that
3 point in time the conversation with the Council
4 indicated there was nothing in the budget, and I
5 believe curbing was on the south side only of the
6 road. There is, I believe, no curbing at all on the
7 north side, and the south side in conjunction with the
8 sidewalk. I believe that's where the dialogue ended.
9 We did agree that we would do some planting. Has that
10 been done?

11 MR. WOOLDRIDGE: There was planting done at
12 the corner as it references the fence there, I
13 believe, on Number 1 or Number 2 Mary Hill, and that
14 planting has been done. The other planting was
15 actually to be in the right-of-way there at the
16 corner, I believe was going to be done by the Mary
17 Hill subdivision. And to my knowledge that has not
18 been accomplished yet; is that correct?

19 MS. LAMITOLA: Yes.

20 MS. SPEWAK: I think we also talked about
21 the possibility of the Mary Hill association
22 leveraging the power of the dollar, while our project
23 was going on, if they wanted to pay for a curb, that
24 they might be able to get it at a better price. So,
25 I'm just wondering if maybe they could meet with Anne

1 and she could help them work through that, and they
2 could get a bid for that and talk through a few of the
3 other things they want to talk about.

4 MR. HIEMENZ: To that point, other
5 subdivisions have leveraged projects with the city,
6 and it certainly would be appropriate.

7 CHAIRMAN BOMMARITO: Inasmuch as there was
8 some funds in the storm water, if it is available and
9 it was going to beautify that end of the city, I
10 thought maybe we could take another look at it for
11 that particular area of the city. So, whatever you
12 guys think. Do you want Anne to communicate with them
13 and get back to them?

14 MS. SPEWAK: I think that would be great.

15 MS. LAMITOLA: I will do that. Thank you.

16 CHAIRMAN BOMMARITO: Yes, sir.

17 MR. HENSLEY: I'm Patrick Hensley at Number
18 6 Sunny Meade. I'm also chairman of Public Works, and
19 I work with Anne. I just want to reiterate something
20 to Mrs. Walls (phonetic).

21 I think, Anne, through Laclede Gas, you can
22 talk to them, and they can tell you when they are
23 going to shut the service off so they can give her
24 notice so she knows exactly when they will do that.
25 If she wanted to get out of the house at that time or

1 something like that, I think that would be a good
2 thing to do.

3 MS. SPEWAK: Anne, I think he said they
4 would coordinate directly with Mrs. Wall; right?

5 MR. HENSLEY: Okay. I just wanted to make
6 sure. I didn't hear that.

7 CHAIRMAN BOMMARITO: Are you going to
8 relight her hot water heater? That's a pain.

9 MR. HENSLEY: I'm counting on Anne to do
10 that.

11 CHAIRMAN BOMMARITO: Anyone else have
12 anything they would like to comment on? Yes, sir.

13 MR. GUTTOFF: (Phonetic) My name is Lance
14 Guttoff. I'm from Union, Missouri. I served the last
15 32 years here as captain of the fire department, and I
16 would appreciate an opportunity to read my thoughts
17 that I have here.

18 Mayor and Council, thank you for allowing
19 me to address this body. It was a great pleasure to
20 have been able to serve this community for the past 32
21 years as a firefighter, and the last 12 of those as a
22 captain in the department. I say community because it
23 lends itself to more than just the geographic
24 boundaries of the city to speak to the people who live
25 in the city. This community has a right of pride in

1 their history and a reputation as a premier place to
2 call home in the St. Louis area. Who doesn't share
3 some pride that Stan Musial chose Ladue to call home.
4 Why do we admire him so? A baseball great for sure,
5 but what really counted was Stan, the man, a man of
6 integrity.

7 It's an issue of integrity that compels me
8 to speak tonight. Integrity speaks to the character
9 of the individual and speaks to the character of the
10 community. I believe that some of the recent changes
11 in the pension for current city employees both vested
12 and non-vested erodes this community's integrity. The
13 pension benefits outlined for the employee at the time
14 of hire, or for some subsequent to their hire, has
15 been diminished.

16 Concerning the vested employees, you have
17 acted in opposition to the City Ordinance 174016.5
18 which state that the City Council may amend the terms
19 and provisions of this plan from time to time except
20 that they shall not increase the benefits hereunder of
21 the actuary referred to in Section 31 hereof that
22 estimates that the total cost involved will exceed the
23 amount available from all sources herein provided.
24 And they shall not take away from any beneficiary of
25 this plan any benefit or rights which have become

1 vested under the terms and provisions hereof. Under
2 the change of the current pension effective at the
3 beginning of this year, with 33 years on the
4 department Captain Keith Terry's pension has been or
5 will be reduced by approximately \$260 per month if he
6 would retire today versus at the end of 2012. And I
7 believe that actually was his retirement in September
8 of this year.

9 Additionally, he is required, as all others
10 are, to pay an additional 3 percent into the pension
11 fund to be paid in over the next two years. This is
12 not a point I disagree with but it is mentioned for
13 purpose of disclosure.

14 It is important to note that the police and
15 firefighters do not participate in the Social Security
16 program, and so there is no Social Security income at
17 retirement unless it was earned outside the employ of
18 the City of Ladue.

19 One other example of the city missing an
20 opportunity to take the higher road concerns
21 Captain Brown. Captain Brown was required to retire
22 early by four months, effectively reducing his pension
23 benefit by 5 percent. He retired early so his son,
24 Dave Brown, could be hired as a police and fire
25 dispatcher. Dave Brown has completed the hiring

1 process and finished at the top of that process. The
2 city could have allowed Captain Brown to have worked
3 to his 55th birthday, thereby completing his years of
4 service and requirement for full pension benefits.

5 A rule or ordinance against hiring
6 relatives was cited as a reason that this was not
7 possible. There is an exception to that rule, which
8 could have been implemented. Additionally, Andrew
9 Brown was called back to serve as interim assistant
10 chief, and will have worked an additional four months,
11 effectively meeting full requirements for his full
12 pension benefits. Perhaps that issue could be
13 reviewed.

14 In closing, let me state that I'm speaking
15 on my own with concern for both the citizens of Ladue
16 as well as those who serve them. I consider myself a
17 part of this community because of the 32 years of
18 service that I have given to this community, and in
19 building up a respectable and professional fire
20 department, I was a part of that, and I'm proud of
21 that.

22 I personally hold myself to a very high
23 standard. My word is my bond, and I expect the same
24 from others. Early last year I broke a confidence,
25 and with that immediate remorse engulfed me as the

1 words left my mouth. I was moved to tears when
2 confronted and had to take ownership of my failure.
3 And it wasn't that failure to that individual, but a
4 failure to myself. It was that recognition of
5 personal failure that tore at me to my very core. The
6 individual was gracious enough to forgive me, but to
7 this day I do not know if he trusts me. That's one
8 mistake that I cannot undo. You have the ability to
9 restore the pension benefits to those who merit it.
10 Thank you.

11 CHAIRMAN BOMMARITO: Thank you very much
12 for coming before the Council with that.

13 MR. GUTTOFF: I appreciate the opportunity.

14 CHAIRMAN BOMMARITO: It takes a good man to
15 do that.

16 Is there anybody on the Council who would
17 like to comment? Does anyone else have any anything
18 else they would like to add to the public forum?
19 Anybody on the Council that wants to say anything?

20 Moving on to the public hearing. We have a
21 request from Lester's for an amendment to their
22 special use permit to allow outdoor dining and shared
23 parking with 9900 Clayton Road. I need a motion to
24 open the public hearing.

25 MR. STERN: So moved.

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MR. HIEMENZ: Second.

CHAIRMAN BOMMARITO: In favor?

Mr. Art Bond: Aye.

Mr. Hal Burroughs: Aye.

Mr. John R. Fox: Aye.

Mr. Charles Hiemenz: Aye.

Ms. Nancy Spewak: Aye.

CHAIRMAN BOMMARITO: Opposed?

Is there someone here from Lester's that would like to make a comment?

MS. GARDNER: I'm Sandy Gardner. We are part-owner of Lester's Sports Bar and Lester's Plaza. We are requesting an outside dining area, patio dining, and also the shared parking from 9900 Clayton Road on a night and weekend basis.

Right now I'm going to let Lee speak to you, because he is the one that prepared the report.

MR. CANNON: Good afternoon, members of the Council and Mayor. My name, for the record, is Lee Cannon. I'm a traffic engineer with the firm of Crawford, Bunte & Brammeier. We prepared the parking study that was submitted as part of this application dated April 18th.

It is my understanding that there is a gate that separates the 9900, 9904, and 9890 properties

1 from one another. The parking report justifies
2 sharing parking between those two properties.
3 Currently those two properties are allowed to leave
4 the gate open to allow parking between the two
5 properties after 5:00 p.m. on the weekdays. And the
6 petition is to allow those gates to stay open 24/7.

7 Since the board heard about this property
8 the last time, approximately 2006 -- 2006 -- 2008, the
9 Labarge property, the other property, the office
10 building has added additional parking, and so our
11 parking findings were that if the gate were left open
12 there would be ample parking on both sides, and during
13 the peaks some of the people that are going to one of
14 the sites might park at the other.

15 I will be happy to answer any questions
16 that you may have about that. I guess one other thing
17 as part of this process. In order to gain an
18 occupancy permit for one tenant, several months ago
19 the owner forgave what it currently had as its
20 approved outdoor seating for the Lester's Restaurant,
21 and now they are asking that patio seating be
22 reinstated. As heard through the Planning and Zoning
23 Commission, I believe it was unanimous approval
24 recommendation to the Board.

25 With that, I will be happy to answer any

1 questions about the specifics.

2 CHAIRMAN BOMMARITO: Members of Council.

3 MR. HIEMENZ: Sandy, I'm curious. You just
4 indicated to us that you relinquished the outdoor
5 dining. Coming back before Zoning and Planning, my
6 understanding is that the request is not only to
7 reinstate the outdoor dining but will go from five to
8 eight tables; is that correct?

9 MS. GARDNER: Correct. At the last meeting
10 they provided you with a diagram that showed there was
11 ample place on the outdoor patio.

12 MR. HIEMENZ: The reason for that, I have a
13 safety question. Is the outdoor seating area, is that
14 only accessible through the restaurant?

15 MS. GARDNER: No. It's accessible through
16 the parking lot. You can come around two different
17 areas. And for the restaurant as well.

18 MR. CANNON: Lee Gregory is not here this
19 evening, of New Castle. He presented some information
20 to P&Z previously. He indicated you do have to check
21 in with the hostess stand inside the restaurant in
22 order to be seated on the patio.

23 MS. GARDNER: Right. But the access is on
24 the outside.

25 MR. HIEMENZ: You do not see a safety issue

1 related to that?

2 MS. GARDNER: No. Actually, the patio
3 itself has a wall going around it to protect any
4 diners on the patio.

5 MS. SPEWAK: I was at the Planning and
6 Zoning meeting, and Planning and Zoning went into this
7 in pretty good detail. Because whoever was with
8 New Castle, he was pretty serious about they were not
9 going to let people enter it from the parking lot, and
10 then you were going to have to check in and be seated
11 at a table to be on the patio.

12 MS. GARDNER: Right. And they do do that,
13 but access both ways. So if there is ever an issue of
14 an emergency of people getting out, there is always a
15 way to get away from the building and out.

16 MR. STERN: The Zoning and Planning
17 recommendation is unanimous subject to the 17
18 conditions, which I assume you all understand and
19 agree to.

20 MS. GARDNER: I personally have not seen
21 the 17 conditions.

22 MR. WOOLDRIDGE: I gave them to Lee.

23 MS. GARDNER: If you gave them to Lee --

24 MS. SPEWAK: It says that we each get a
25 10-ounce corn beef sandwich once a week.

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MS. GARDNER: I don't know about that.

MR. STERN: It would be subject to those to meet our approval.

MS. GARDNER: If he gave them to Lee, then Lee has read them and we are fine with them.

MR. WOOLDRIDGE: Most of these are the same ones that were on their previous SUP. Other than the change in the number of seats, and we also added one that puts the burden on the owner, New Castle, to provide an annual list of current tenants and the parking requirements so that we can determine that they are still in compliance with the SUP.

MR. STERN: And no more than eight tables but also no more than 32 seats; right?

MS. GARDNER: Uh-huh.

MR. WOOLDRIDGE: Yes. There was five previously.

CHAIRMAN BOMMARITO: John, do you have anything you would like to add?

MR. MAUPIN: Yes. Before we close the public hearing we need to include in the record -- I would like to introduce in the record the Code of Ordinances of the City of Ladue and the memorandum dated December 21, 2012, signed by M. Peter Fisher, chairman of the Zoning and Planning Commission

1 indicating the approval of the application by the
2 Zoning and Planning, which includes 17 conditions. I
3 would also like to include the entire Zoning and
4 Planning Commission file pertaining to this
5 application, including all memoranda from staff and
6 any consultants who contributed to the decision of the
7 Zoning and Planning Commission.

8 CHAIRMAN BOMMARITO: Does anyone in the
9 public want to comment any further? At this time I
10 need a motion to close the hearing.

11 MR. STERN: So moved.

12 MR. BOND: Second.

13 CHAIRMAN BOMMARITO: In favor.

14 MR. BOND: Aye.

15 MR. BURROUGHS: Aye.

16 MR. FOX: Aye.

17 MR. HIEMENZ: Aye.

18 MS. SPEWAK: Aye.

19 CHAIRMAN BOMMARITO: Opposed?

20 Now we need a motion to approve the
21 recommendation of the Zoning and Planning Commission.

22 MR. STERN: So moved.

23 MS. SPEWAK: Second.

24 CHAIRMAN BOMMARITO: All in favor?

25 MR. BOND: Aye.

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MR. BURROUGHS: Aye.

MR. FOX: Aye.

MR. HIEMENZ: Aye.

MS. SPEWAK: Aye.

CHAIRMAN BOMMARITO: The one thing that's interesting to me, if you have to go in the restaurant to be seated, which I think is great, but you can go out the side door without getting the check, which is really great. So if I come in, keep an eye on me.

(Laughter.)

(WHEREIN, at this time the hearing continued.)

CERTIFICATE OF REPORTER

I, Bobbie L. Lubber, Registered Professional Reporter, Certified Court Reporter, and Notary Public within and for the State of Missouri, do hereby certify that the meeting aforementioned was held on the time and in the place previously described.

IN WITNESS WHEREOF, I have hereunto set my hand and seal.



Bobbie L. Lubber, RPR, CCR #621

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