

**MINUTES OF MEETING
CITY COUNCIL OF THE CITY OF LADUE
ST. LOUIS COUNTY, MISSOURI
TUESDAY, FEBRUARY 16, 2016**

The regular meeting of the City Council of the City of Ladue, St. Louis County, Missouri, was held on Tuesday, February 16, 2016, at 4:00 p.m., at the City Hall, 9345 Clayton Road. The following members were present:

The Hon. Nancy Spewak, Mayor, presiding.

Members of the Council present:

A. Charles Hiemenz
John Howell
Patrick Hensley
John Fox
William Brennan
Harold Burroughs

Six Council Members present.

Also present were Police Chief Rich Wooten; Det. Dennis Pohlmann; Fire Chief Steve Lynn, Ms. Anne Lamitola, Public Works Director; Mr. William Penney, Building Official; Ms. Andrea Sukanek, City Planner and Ms. Erin Seele, City Attorney. Laura Rider, City Clerk/Assistant to the Mayor was absent.

Approval of the Agenda: Mayor Spewak asked for an amendment to the agenda in Section D-6 c., to add Anne Carter to the list of appointments to the Storm Water Advisory Committee. Council Member Fox moved approval of the agenda, as amended, seconded by Council Member Howell, which motion passed unanimously.

Approval of Minutes: Mayor Spewak asked for any amendments, corrections or clarifications to the Minutes of the Regular Meeting of January 19, 2016. Council Member Hiemenz moved approval of the Minutes of the Regular Meeting as submitted for January 19, 2016, seconded by Council Member Fox, which motion passed unanimously.

Public Forum: None

PH - 1: The City Council will hold a public hearing on a recommendation to approve text amendment to Chapter 1 of the Ladue Code of Ordinances relating to self-preemption and text amendment of Ordinance 1175, Section VII (F) to allow for modification:

- Height requirements for concealed communication antennas being approved by Special Use Permit and
- Various regulations for temporary communication towers

Council Member Fox moved to open the public hearing, seconded by Council Member Brennan, which motion passed unanimously.

The transcript of the public hearing is attached as part of the minutes.

Ms. Erin Seele, City Attorney, stated that the hearing notice, the Zoning and Planning File ZPC 15-08 as well as the entire Code of Ordinances and Ordinance No. 1175 are entered as part of the record.

Council Member Hiemenz moved to close the public comment portion of the public hearing, seconded by Council Member Fox, which motion passed unanimously.

Bill No. 2122: Following two readings of Bill No. 2122, Council Member Brennan moved approval of Bill No. 2122, seconded by Council Member Burroughs, and the vote thereupon was as follows:

Council Member Hiemenz	"Aye"
Council Member Howell	"Aye"
Council Member Hensley	"Aye"
Council Member Fox	"Aye"
Council Member Burroughs	"Aye"
Council Member Brennan	"Aye"

There being six aye votes and zero nay votes the motion passed unanimously.

Mayor Spewak declared Bill 2122 adopted as **Ordinance 2122**.

PH - 2: The City Council will hold a public hearing on a recommendation to approve a Special Use Permit at St. Peter's Episcopal Church, 110 N. Warson Road, to construct a concealed cellular telephone antenna within a church spire (replace existing spire with new spire approximately 12 feet taller with compatible appearance).

Council Member Hensley moved to open the public hearing, seconded by Council Member Burroughs, which motion passed unanimously.

The transcript of the public hearing is attached as part of the minutes.

Ms. Erin Seele, City Attorney, stated that the hearing notice, the Zoning and Planning File ZPC 15-04 as well as the entire Code of Ordinances and Ordinance No. 1175 are entered as part of the record.

Council Member Fox moved to close the public comment portion of the public hearing, seconded by Council Member Burroughs, which motion passed unanimously.

Council Member Hiemenz moved approval of the Special Use Permit for St. Peter's Episcopal Church for a concealed cellular telephone antenna within a church spire, seconded by Council Member Howell, which motion passed unanimously.

PH - 3: The City Council will hold a public hearing on a recommendation to approve a Special Use Permit submitted by the Evangelical Lutheran Village Church at 9233 Clayton Road for a cell tower disguised as a pine tree.

Council Member Fox moved to open the public hearing, seconded by Council Member Burroughs, which motion passed unanimously.

The transcript of the public hearing is attached as part of the minutes.

Ms. Erin Seele, City Attorney, stated that the hearing notice, the Zoning and Planning File ZPC 15-06 as well as the entire Code of Ordinances and Ordinance No. 1175 are entered as part of the record.

Council Member Fox moved to close the public comment portion of the public hearing, seconded by Council Member Brennan, which motion passed unanimously.

Council Member Fox moved approval of the Special Use Permit for Evangelical Lutheran Village Church at 9233 Clayton Road for a cell tower disguised as a pine tree, seconded by Council Member Burroughs, which motion passed unanimously.

PH - 4: The City Council will hold a public hearing on a recommendation to approve rezoning a portion of adjusted lot 18 of Dwyer Place subdivision from G – Commercial to E – Residential and a portion of 9909 Clayton Road from E – Residential to G – Commercial.

Council Member Burroughs moved to open the public hearing, seconded by Council Member Fox, which motion passed unanimously.

The transcript of the public hearing is attached as part of the minutes.

Ms. Erin Seele, City Attorney, stated that the hearing notice, the Zoning and Planning File ZPC 15-07 as well as the entire Code of Ordinances and Ordinance No. 1175 are entered as part of the record.

Council Member Hiemenz moved to close the public comment portion of the public hearing, seconded by Council Member Howell, which motion passed unanimously.

Bill No. 2123: Following two readings of Bill No. 2123, Council Member Brennan moved approval of Bill No. 2123, seconded by Council Member Burroughs, and the vote thereupon was as follows:

Council Member Hiemenz	"Aye"
Council Member Howell	"Aye"
Council Member Hensley	"Aye"
Council Member Fox	"Aye"
Council Member Burroughs	"Aye"
Council Member Brennan	"Aye"

There being six aye votes and zero nay votes the motion passed unanimously.

Mayor Spewak declared Bill 2123 adopted as **Ordinance 2123**.

Referral to Zoning & Planning Commission for a Special Use Permit to install telecommunications small cell antennas on top of utility poles along with radio and power equipment mounted on the pole, in six locations submitted by ExteNet Systems, Inc.

Mr. Spier, who was present, explained the necessity of these small booster sites in areas that currently do not have sufficient cellular coverage.

Council Member Burroughs moved referral of the Special Use Permit application to install telecommunications small cell antennas on top of utility poles along with radio and power equipment mounted on the pole, in six locations submitted by ExteNet Systems, Inc. to the Zoning and Planning Commission for review and recommendation, seconded by Council Member Fox, which motion passed unanimously.

Old Business: None

New Business:

Proposed Legislation:

Bill No. 2124 – An ordinance approving the re-subdivision of parts of lots 3 and 4 of the partition of Frederic Des Combes Estate in U.S. Survey 2464, part of lots 9 and 10 of Foxboro Road as recorded in Plat Book 41 Page 49, lots 12-18 and part of lot 19 of Dwyer Place as recorded in Plat Book 15 Page 15, and part of the former Missouri Pacific Railroad right of way located in Township 45 North, Range 6 East of the 5th Principal Meridian, all within the City of Ladue, St. Louis County, Missouri.

Mayor Spewak read Bill No. 2124 for a first reading. Council Member Burroughs read Bill No. 2124 for a second reading.

Council Member Hiemenz asked Ms. Seele if this needs to be reviewed by MSD. Ms. Seele responded it was not necessary.

Council Member Howell moved approval of Bill No. 2124, seconded by Council Member Hensley, and the vote thereupon was as follows:

Council Member Hiemenz	"Aye"
Council Member Howell	"Aye"
Council Member Hensley	"Aye"
Council Member Fox	"Aye"
Council Member Burroughs	"Aye"
Council Member Brennan	"Aye"

There being six aye votes and zero nay votes the motion passed unanimously.

Mayor Spewak declared Bill 2124 adopted as **Ordinance 2124**.

Bill No. 2125 – An ordinance authorizing the Mayor and City Clerk to execute a revised Public Works mutual aid agreement.

Ms. Lamitola explained the necessity of having a mutual aid agreement. She stated in the event of a natural disaster, Public Works departments who are part of the agreement could share resources and manpower. She also pointed out this is a requirement of FEMA and without participation in this agreement, should a disaster occur, Ladue would not be eligible for Federal reimbursement.

Ms. Lamitola and Ms. Seele both recommend participation in the mutual aid agreement.

Mayor Spewak read Bill No. 2125 for a first reading. Council Member Hensley read Bill No. 2125 for a second reading.

Council Member Howell moved approval of Bill No. 2125, seconded by Council Member Hensley, and the vote thereupon was as follows:

Council Member Hiemenz	"Aye"
Council Member Howell	"Aye"
Council Member Hensley	"Aye"
Council Member Fox	"Aye"
Council Member Burroughs	"Aye"
Council Member Brennan	"Aye"

There being six aye votes and zero nay votes the motion passed unanimously.

Mayor Spewak declared Bill 2125 adopted as **Ordinance 2125**.

Financial Matters:

The Council reviewed the **vouchers for payment** for the month of January 2016. Council Member Howell moved their approval, seconded by Council Member Burroughs, which motion passed unanimously.

The Mayor and Council reviewed the Treasurer's and Collector's reports for January 2016. The Mayor ordered the reports filed for information.

The Mayor and Council reviewed the Financial Reports for January 2016. The Mayor ordered the reports filed for information.

The Mayor and Council reviewed the Cash Flow Summary for January 2016. The Mayor ordered the report filed for information.

The Mayor and Council reviewed the Delinquent Real Estate Tax Report for January 2016. The Mayor ordered the report filed for information.

Department Reports:

Fire Department: The Mayor and Council reviewed the Fire Department Activity Report for January 2016. The Mayor ordered the report filed.

Council Member Fox advised that the results of the Phase II soil assessment at the site of Fire House 1 are due in next week and the project is currently on schedule.

Fire Chief Lynn requested Council approval to use SSM Executive Health for comprehensive bi-annual physicals in 2016 at a cost of \$8,300.00. Council Member Hiemenz asked if the Fire personnel could use their own private health insurance for these physicals. Chief Lynn explained these are specifically designed for Fire Fighters and are much more in depth and include many more specialized tests than a regular annual physical, but that he would investigate the possibility. Chief Lynn also stated that due to these annual physicals, the Ladue Firefighters are in the top 3% of the fittest Fire Fighters in the area.

Council Member Howell moved approval to use SSM Executive Health for comprehensive bi-annual physicals in 2016 at a cost of \$8,300.00, seconded by Council Member Burroughs, which motion passed unanimously.

Police Department: The Mayor and Council reviewed the Police Activity Report for the period January 2016. The Mayor ordered the report filed.

Public Works: The Mayor and Council reviewed the Public Works report for January 2016. The Mayor ordered the report filed.

Ms. Lamitola asked for approval of an emergency repair to the Scarab Windrow Turner, which she explained aids in the production of mulch, in the amount of \$9,749.07.

Council Member Fox asked how much a new Scarab would cost and Ms. Lamitola replied \$480,000.

Council Member Brennan moved approval of the emergency repair to the Scarab Windrow Turner in the amount of \$9,749.07, seconded by Council Member Burroughs, which motion passed unanimously.

Ms. Lamitola requested approval for the formation of a Storm Water Advisory Committee to work with H.R. Green and the residents.

Council Member Hiemenz moved approval of the formation of a Storm Water Advisory Committee, seconded by Council Member Fox, which motion passed unanimously.

Council Member Howell asked for an update on Price Road. Ms. Lamitola stated the project is on schedule, even slightly ahead of schedule, and paving could take place as early as April with a final completion date of June 15, 2016.

Council Member Hiemenz confirmed with Ms. Lamitola that the funding for the Clayton / Warson intersection was not approved. Ms. Lamitola stated the City could re-apply for funding after possibly narrowing the scope of the project.

Building Office Report: The Mayor and Council reviewed the Building Office report for January 2016. The Mayor ordered the report filed.

Building Permit Extensions:

1. 9240 Clayton Road, Permit #150585, extended to July 7, 2016
2. 9851 Waterbury, Permit #150085, extended to February 29, 2016
3. 12 Deer Creek Woods, Permit #150436, extended to February 29, 2016
4. 2106 South Warson Road, Permit #069498, extended to June 30, 2016
5. 16 Ellsworth Lane, Permit #150123, extended to March 31, 2016
6. 38 Deerfield Terrace, Permit #150391, extended to May 7, 2016
7. 9999 Litzsinger Road, Permit #150280, landscaping, extended to Jan. 6, 2017

8. 9999 Litzsinger Road, Permit #069776, ext. remodel, extended to Nov. 1, 2016

Mr. Penney stated all requests were legitimate and recommended approval. Council Member Howell moved approval of the building permit extensions numbered 1 – 8, seconded by Council Member Fox, which motion passed unanimously.

Municipal Court: The Mayor and Council reviewed the Municipal Court Report for January 2016. The Mayor ordered the report filed.

Administration/City Clerk:

Mayor Spewak asked Det. Dennis Pohlmann to review and discuss the Deer Distance Sampling Population Estimate Summary Report. Det. Pohlmann explained he volunteered to go with White Buffalo personnel on four separate overnight occasions to perform a spotlight distance count of deer in the City of Ladue. He stated that not only the number of deer were counted, but their location in Ladue, their gender, and the distance from the roadway. The count results showed approximately 43 deer per square mile, which is a problem. Chief Wooten stated the number of deer killed in vehicular crashes in December 2014 was 7; in December 2015 the number doubled to 14.

Council Member Brennan moved to instruct City staff to coordinate with Erin Shank with the Missouri Department of Conservation to have a presentation and proposal ready for the Council Meeting in March, for deer hunting during archery season on properties in Ladue of 3 or more acres, seconded by Council Member Burroughs, which motion passed unanimously.

Chief Wooten requested approval of a contract with Zobrio to provide Information Technology Support Services for the period of March 1, 2016 through February 28, 2017 at a cost of \$36,583.00. He stated eight companies responded to an RFP and four of those companies were interviewed by himself and Ms. Rider. He stated all had technical abilities; however, Zobrio has a very good record dealing with networks similar to the City's, they are a 24/7 operation and they offered an unlimited number of service hours for the same cost as our current vendor.

Council Member Howell moved approval for the Mayor to execute a contract, in the form included in the City Council packet and which is on file with the City Clerk, with Zobrio to provide Information Technology Support Services for the period of March 1, 2016 through February 28, 2017 at a cost of \$36,583.00, seconded by Council Member Brennan, which motion passed unanimously.

Administration/City Attorney: Ms. Seele had nothing new to report.

Appointments: Mayor Spewak requested approval for the following appointments:

- a. Elizabeth Panke to the Zoning Board of Adjustment as a permanent member to complete the remainder of John Shillington's term.
- b. Lee Rottmann to the Zoning Board of Adjustment as an alternate member to complete the term of Elizabeth Panke.
- c. Chairman and members of the Storm Water Advisory Committee:

- Robert Watt, Chairman
- William Brennan
- Mary Ann Rober
- Ed Glotzbach
- Jerry Schwartz
- Tom Bowers
- Lloyd Palans
- Jennifer Avery
- Ray Potter
- Anne Carter
- Anne Lamitola, Staff Liaison

Council Member Burroughs moved approval of all appointments, seconded by Council Member Fox, which motion passed unanimously.

Liquor Licenses:

- L-1:** An application from Hats, Inc. d.b.a. Truffles in Ladue, 9202 Clayton Road, for renewal of their license to sell intoxicating liquors by the drink. The report from the police department finds no reason why the license should not be issued.
- L-2:** An application from Ladue Pharmacy, LLC, 9832 Clayton Road, for renewal of their license to sell intoxicating liquors and beer in the original package, not for consumption on the premises. The report

from the police department finds no reason why the license should not be issued.

L-3: An application from The Women's Exchange, 8811A Ladue Road, for a license to sell intoxicating liquors by the drink. The report from the police department finds no reason why the license should not be issued.

L-4: An application from Sweetology, 9214 Clayton Road, for a license to sell intoxicating liquors by the drink with Sunday sales. The report from the police department finds no reason why the license should not be issued.

Council Member Fox moved approval of the liquor licenses for Truffles, Ladue Pharmacy, The Women's Exchange, and Sweetology, seconded by Council Member Brennan, which motion passed unanimously.

Mayor Spewak noted that the next meetings are scheduled for Monday March 28th and Monday April 25th. Mayor Spewak pointed out these meetings will be on the 4th Mondays of the month due to special scheduling concerns.

Mayor Spewak advised there were items for discussion in executive session involving litigation, legal matters and/or confidential communications between the Council and its attorneys under RSMo. Section 610.021 (1).

Council Member Hiemenz moved to go into closed session for discussion of litigation, legal actions and/or any confidential or privileged communications from the City Attorney RSMo. 610.021 (1); seconded by Council Member Fox, and the vote thereupon was as follows:

Council Member Hiemenz	"Aye"
Council Member Howell	"Aye"
Council Member Hensley	"Aye"
Council Member Fox	"Aye"
Council Member Burroughs	"Aye"
Council Member Brennan	"Aye"

The motion was passed by a unanimous vote.

(The Mayor and Council went into closed session at 5:30 PM with Ms. Lamitola and Ms. Seele).

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

Council Member Hiemenz	"Aye"
Council Member Hensley	"Aye"
Council Member Fox	"Aye"
Council Member Burroughs	"Aye"
Council Member Brennan	"Aye"
Council Member Howell	"Aye"

The motion was passed by a unanimous vote.

(Returned to open session at 5:58 PM).

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

APPROVED THIS 28th DAY OF MARCH 2016.



Nancy Spewak, Mayor

ATTEST:



Shelly Benson, Finance Clerk