

**MINUTES OF MEETING
CITY COUNCIL OF THE CITY OF LADUE
ST. LOUIS COUNTY, MISSOURI
MONDAY, MARCH 18, 2013, 4:00 P.M.**

The regular meeting of the City Council of the City of Ladue, St. Louis County, Missouri was held on Monday, March 18, 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
John R. Fox
Nancy Spewak
Harold Burroughs

Absent: Walter Stern

Five Council Members present.

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

Approval and Adoption of the Agenda: Council Member Fox moved adoption of the agenda amended to include approval for the purchase of a Fire Department vehicle, seconded by Council Member Burroughs and the vote thereupon was as follows:

Council Member Hiemenz	“Aye”
Council Member Bond	“Aye”
Council Member Fox	“Aye”
Council Member Spewak	“Aye”
Council Member Burroughs	“Aye”

The motion was passed unanimously.

Approval of Minutes:

Mayor Bommarito asked for any amendments, corrections or clarifications to the Minutes of the Regular and Closed Meeting of February 19, 2013. Council Member Hiemenz moved approval of the Minutes; seconded by Council Member Bond, which motion passed unanimously.

Public Forum: (see attached transcript)

Committee Report: None

Public Hearings: (see 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 not issue an Amendment to the Zoning Ordinance #1175 Section IV, subsection C, providing revised regulations for fences. (ZPC 12-07).

The Hearing will be held at 4:00 p.m., or as soon thereafter as the matter may be properly heard, on Monday, March 18, 2013, at the 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 the Mayor

Old Business: None

Zoning and Planning Matters: None

Cable TV Matters: None

Proposed Legislation:

Bill 2062 An ordinance authorizing the acquisition of certain property within the City of Ladue, Missouri, for improvements to Litzsinger Road and authorizing an easement to AmerenUE.

Ms. Lamitola advised that two parcels of property are needed for improvements related to the Litzsinger Road project. She indicated that AmerenUE is willing to donate the property with the provision that easements are granted for AmerenUE to access the property to maintain their utility.

Council Member Hiemenz moved the introduction of Bill 2062 amended to remove references to the use of eminent domain for property acquisition, seconded by Council Member Fox, which motion passed unanimously.

Council Member Fox moved the first reading of Bill 2062 as amended seconded by Council Member Spewak, which motion passed unanimously.

Council Member Hiemenz moved the second reading of Bill 2062 as amended; seconded by Council Member Bond, which motion passed unanimously.

Council Member Bond moved adoption of Bill 2062 as amended, seconded by Council Member Fox, and the vote thereupon was as follows:

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

The motion was passed by unanimous vote.

Mayor Bommarito declared Bill 2062 adopted as **Ordinance 2062**.

Resolution 2013-01 A resolution accepting and approving a Title VI Policy for the City of Ladue.

Mr. Wooldridge stated the policy document is required of all agencies receiving federal funds to commit to following the Title VI requirements relating to equal opportunity.

Council Member Spewak moved adopted of Resolution 2013-01, seconded by Council Member Fox, and the vote thereupon was as follows:

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

The motion was passed by unanimous vote.

Resolution 2013-02 A resolution accepting and approving a Limited English Proficiency (LEP) Plan.

Mr. Wooldridge advised the LEP Plan is a companion policy to the Title VI plan providing accommodation to persons with Limited English Proficiency.

Council Member Spewak moved adoption of Resolution 2013-02, seconded by Council Member Fox, and the vote thereupon was as follows:

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

The motion was passed by unanimous vote.

Council Members Spewak and Bond suggested the city should codify the provisions of Title VI into the City Code of Ordinances. After discussion Council Member Spewak moved that the City Attorney be directed to prepare an ordinance for consideration in the matter, seconded by Council Member Bond, and the vote thereupon was as follows:

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

The motion was passed by unanimous vote.

Resolution 2013-03 A resolution consenting to the defense of the City in connection with litigation brought against the City by Kimble Etal.

Mr. Maupin explained this is a class action lawsuit brought against Missouri cities that assess a franchise tax on services related to internet access by wireless devices. He stated the St. Louis County Municipal League is coordinating a response for its members using a group of lawyers originally involved in the previous

wireless tax cases. He recommended that the City retain the services of Curtis, Heinz, Garrett & O'Keefe, P.C., John F. Mulligan, Jr., and Howard Paperner as counsel. Mr. Maupin advised that there would be no cost to the City, as the St. Louis County Municipal League would fund these legal services from the earlier cell phone settlement.

Council Member Hiemenz moved adoption of Resolution 2013-03 and the recommendation of Mr. Maupin, seconded by Council Member Fox, and the vote thereupon was as follows:

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

The motion was passed by unanimous vote.

Financial Matters:

Mr. Schiele provided a report from the Finance, Revenue and Taxation Committee recommending suggestions for potential cost reductions. The following suggestions were made by the committee:

- Justification for keeping and maintaining reserve fire apparatus (pumper and ambulance) should be evaluated by Chief Bailot.
- A compensation committee should be formed to evaluate all employee salaries and step pay programs.
- Department heads should be given a mandate to cut their budgets by 5% - 10%.
- A Fire House Construction Oversight Committee should be formed and a Construction Manager hired.
- The City should evaluate the need, and the cost of keeping and maintaining the old Police building.

Council Member Hiemenz inquired if a fire house construction oversight committee had been appointed. Mr. Wooldridge advised the committee was appointed at

the February City Council meeting. He further advised that a Request for Qualifications (RFQ) for a construction manager is being developed.

Council Member Bond asked if the Finance Committee had any specific recommendations for the 5% - 10% budget cuts. Mr. Schiele stated it was an arbitrary number and the reductions should be determined by the department manager in the next budget cycle.

Council Member Spewak remarked that each of these points should be examined individually for consideration.

Mr. Schiele and the committee were thanked for their suggestions.

Mr. Jett advised that the field work relating to the 2012 audit is complete. The financial variance analysis will be distributed at the April meeting.

The Council reviewed the **vouchers for payment** for the month of February 2013. Council Member Burroughs moved their approval, seconded by Council Member Hiemenz, which motion passed unanimously.

The Mayor and Council reviewed the Treasurer and Collector's reports for February 2013. The Mayor ordered the reports filed for information.

The Mayor and Council reviewed the Financial Report for February 2013. The Mayor ordered the report filed for information.

The Mayor and Council reviewed the Cash Flow Summary for February 2013. The Mayor order the report filed for information.

The Mayor and Council reviewed the Land & Lot Delinquent Tax Report. The Mayor order the report filed for information.

Mr. Jett reported that one delinquent property tax was paid in February and only four properties remain on the list.

Department Reports:

Fire Department: The Council reviewed the Fire Department Activity Report for February 2013 and Annual Report for 2012. The Mayor ordered the reports filed.

Approval of repairs to Fire Pumper 3914 in the amount of \$3,331.24 by Degel, Inc.

Chief Bailot requested approval for repairs to the fuel system of Fire Pumper 3914 in an amount not to exceed \$3,331.24. He advised the system developed a leak necessitating the removal of the fuel tank for repair. Chief Bailot advised that under the City Code of Ordinances Section 2-413 (b) the single source bid required City Council approval.

Mr. Maupin noted the approval needed motions for the waiver of the competitive bid process and approval of repairs by Degel.

Council Member Hiemenz moved to waive the bidding requirements for the repairs as specified in Code of Ordinances Section 2-413 (b), seconded by Council Member Bond, and the vote thereupon was as follows:

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

The motion was passed by unanimous vote.

Council Member Spewak moved to approve the repairs by Degel, Inc. at a cost not exceed \$3,331.24, seconded by Council Member Fox, and the vote thereupon was as follows:

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

The motion was passed by unanimous vote.

Chief Bailot advised that the 2013 Fire Department Capital Improvement budget allocated \$31,000.00 (net of trade) for a replacement vehicle for the Assistant Fire Chief. He was advised on March 15, 2013, that all orders for the Chevrolet Tahoe had to be submitted by April 3, 2013, or the vehicle could not be ordered until late 2013 and at additional cost. Chief Bailot advised that a bid was received from Don Brown Chevrolet (state bid contractor) costing the vehicle at \$26,750 (net of trade) if purchased under the Missouri State Cooperative Purchase Program. He requested approval to seek additional bids and to order a replacement vehicle prior to April 3 at a cost not to exceed \$26,750.00 (net of trade). Chief Bailot stated that the selected vendor will be presented to the City Council at the April 15 meeting to reconfirm the purchase.

Council Member Spewak moved to approve the purchase from the low bidder of one 2013 Tahoe at a cost not to exceed \$26,750.00 (net of trade), and presented to the City Council in April for confirmation. The motion was seconded by Council Member Fox, and the vote thereupon was as follows:

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

The motion was passed by a unanimous vote.

Police Department: The Council reviewed the Police Activity Report for the period through February 28, 2013, and the 2012 annual report. The Mayor ordered the report filed.

Chief Wooten requested approval for the purchase of various pieces of protective ballistic equipment for active shooter situations at a cost not to exceed \$21,421.84 from Ed Roehr, Inc. He stated this equipment will allow officers to respond more effectively and safely to active shooter situations at schools and other

high risk locations. Chief Wooten advised that this request was presented to, and has a recommendation for approval from, the Board of Fire and Police Commissioners.

Council Member Hiemenz moved approval of the purchase of the protective ballistic equipment at a cost not to exceed \$21,421.84 from Ed Roehr, Inc. The motion was seconded by Council Member Fox, and the vote thereupon was as follows:

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

The motion was passed by unanimous vote.

Public Works: The Mayor and Council reviewed the Public Works report for the period through February 2013. The Mayor ordered the report filed.

Ms. Lamitola requested the City Council rescind their approval in March 2012 of a bid from Schmittel Nursery in the amount of \$20,490.00 for landscaping at the Edie Spink Mulch Site. She indicated that the plan has changed to plant all the landscaping on city owned property on a smaller scale at a cost of \$3,507.00 which does not require Council approval.

Council Member Spewak moved to rescind the approval of March 19, 2012; seconded by Council Member Fox, and the vote thereupon was as follows:

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

The motion was passed by unanimous vote.

Municipal Court: The Mayor and Council reviewed the Municipal Court Report for February 2013. The Mayor ordered the report filed.

Administration/City Clerk.

The Mayor and Council reviewed the building department report for February 2013. Year-to-date 30 reportable permits were issued for a construction value of \$8.9 million. Mr. Wooldridge advised that the number of permits increased 11.1% compared to a similar period in 2012 and the construction value increased 368.4%.

Mr. Wooldridge requested approval for changes to the employee personnel manual in the following areas: seat belt usage, Cell phone use while driving city vehicles, personal use of business cell phones, uniform allowances, and automatic payroll deposit. He advised that these changes were necessary because of workers compensation audit recommendations, IRS regulations, or changes in business practice.

Mr. Wooldridge stated the proposed changes were reviewed and approved by city legal counselors, Mr. John Maupin and Mr. Chris Hesse.

Council Member Fox moved approval of the changes as presented; seconded by Council Member Bond, and the vote thereupon was as follows:

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

The motion was unanimously passed.

Appointments: Mayor Bommarito requested approval of the appointments of Fire Chief Bailot and Council Member Spewak to the Fire House Project Team.

Council Member Hiemenz moved approval of the appointments as presented; seconded by Council Member Bond, and the vote thereupon was as follows:

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

Council Member Burroughs "Aye"

The motion was unanimously passed.

Liquor Licenses:

An application from Old Warson Country Club, for renewal of their license to sell intoxicating liquors by the drink and in the original package, with Sunday sales. The report from the police department finds no reason why the license should not be issued.

Council Member Hiemenz moved approval of the license renewal; seconded by Council Member Burroughs, and the vote thereupon was as follows:

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

The motion was unanimously passed.

Adjournment:

Mayor Bommarito stated the next regular meetings would be held on April 15 and May 20, 2013.

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

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

Council Member Hiemenz	"Aye"
Council Member Bond	"Aye"
Council Member Fox	"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 Fox moved to return to open session, 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 Burroughs	"Aye"
Council Member Spewak	"Aye"

The motion was passed unanimously.

(returned to open session at 5:40 PM)

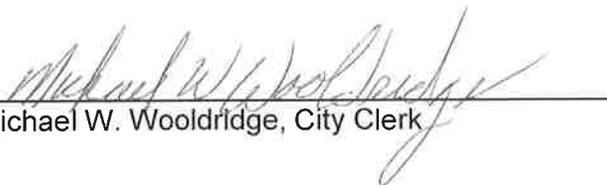
Council Member Fox moved adjournment, seconded by Council Member Hiemenz, which motion passed unanimously. The meeting adjourned at 5:40 PM.

APPROVED THIS 15th DAY OF APRIL 2013.



Anthony M. Bommarito, Mayor

ATTEST:



Michael W. Wooldridge, City Clerk

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MEETING OF THE CITY COUNCIL
CITY OF LADUE
LADUE, MISSOURI

IN THE MATTER OF:)
)
MEETING OF THE CITY COUNCIL)
9345 CLAYTON ROAD)
Ladue, Missouri 63124)

Monday, March 18, 2013

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BOBBIE LUBER, LLC  
P.O. Box 31201 ~ 1015 Grupp Road ~ St. Louis, MO 63131  
314.993.0911

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MEETING OF THE CITY COUNCIL  
CITY OF LADUE  
LADUE, MISSOURI

IN THE MATTER OF:                    )  
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MEETING OF THE CITY COUNCIL )     Public Hearing  
9345 CLAYTON ROAD                    )  
LADUE, MISSOURI 63124                )

BE IT REMEMBERED that on the 18th day of  
March, 2013, hearing was held before the Zoning Board  
of Adjustment 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.

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

COUNCIL MEMBERS:

Mr. Anthony M. Bommarito, Chairman

Mr. Art Bond

Mr. Hal Burroughs

Mr. John R. Fox

Mr. Charles Hiemenz

Ms. Nancy Spewak

Also Present:

Mr. John Maupin, City Attorney

Mr. Michael Wooldridge, City Clerk

Ms. Anne Lamitola

Mr. Rich Lane

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, Missouri 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 of all, we need a motion to adopt the  
6 agenda amended to include the approval of the purchase  
7 of a vehicle for the fire department.

8                   MR. FOX: So moved.

9                   MR. BURROUGHS: Second.

10                  CHAIRMAN BOMMARITO: All in favor?

11                  MR. BOND: Aye.

12                  MR. BURROUGHS: Aye.

13                  MR. FOX: Aye.

14                  MR. HIEMENZ: Aye.

15                  MS. SPEWAK: Aye.

16                  CHAIRMAN BOMMARITO: Opposed?

17                  We also need approval of the minutes of the  
18 regular meeting of February 19th, 2013.

19                  MR. HIEMENZ: So moved.

20                  MR. FOX: Second.

21                  CHAIRMAN BOMMARITO: All in favor?

22                  MR. BOND: Aye.

23                  MR. BURROUGHS: Aye.

24                  MR. FOX: Aye.

25                  MR. HIEMENZ: Aye.

1 MS. SPEWAK: Aye.

2 CHAIRMAN BOMMARITO: Opposed?

3 At this time if there is anyone in the  
4 audience -- public forum portion of the meeting, if  
5 anyone has anything they would like to bring up or  
6 mention at this time.

7 MR. LANE: May I speak to you for just a  
8 second?

9 CHAIRMAN BOMMARITO: Yes, you can. Please  
10 state your name and address.

11 MR. LANE: Hi. My name is Rich Lane. I  
12 live at 19 Maryhill Drive. I just want to come before  
13 the meeting. We have been here before.

14 I'm representing the officers.  
15 Unfortunately, one of our officers was in an accident  
16 and is injured right now, recuperating, and a couple  
17 of others are out of town.

18 I want to give you guys an update as far  
19 as -- I mean, we have been before you before about  
20 having our privacy -- the honeysuckle taken down by  
21 the city.

22 Our subdivision has approved a plan that's  
23 going to look really nice. We are spending  
24 considerable sums of money, between 20 and \$25,000.  
25 What we wanted to come before the Council and see if

1 it would be possible if there could be some type of  
2 small safety thing put in front of the fire hydrant  
3 that's right next to the road right at the entrance of  
4 our subdivision. I would appreciate it very much if  
5 some additional monies could be put forth.

6 We have had Anne come from the Department  
7 of Public Works, and she can tell you what she saw.

8 The city has been -- we really appreciate  
9 you coming forward, but we kind of would really  
10 appreciate, just a little bit more additional moneys.  
11 We are willing to pay for a portion of, just something  
12 in front of the fire hydrant, if the city would also  
13 pay for a portion.

14 It's going to look really nice. It's going  
15 to look nice for the entrance to the City of Ladue.  
16 We are one of the first subdivisions coming in there.  
17 But from a fairness factor, it was a mistake. It was  
18 an honest mistake, but we really -- we would not have  
19 had to have done this if this would not have occurred  
20 for our subdivision. We understand it's an honest  
21 mistake. And we are getting quite a bit of money to  
22 do something that's going to make the neighborhood  
23 look nicer and the City of Ladue. And so with that,  
24 if you could maybe meet us halfway or a portion of  
25 just a small thing in front of the fire hydrant, I

1 would really appreciate it.

2 CHAIRMAN BOMMARITO: Anne, have you had a  
3 chance to look at that particular project?

4 MS. LAMITOLA: I have. I got some  
5 comments. We have met with the folks from Maryhill a  
6 couple of times. We were asked to obtain some pricing  
7 for some different scenarios with curb, and the  
8 chairman of the Public Works Committee was present as  
9 well.

10 Especially what they are wanting is a  
11 6-inch concrete vertical curb, and that would be  
12 \$2,500 to do the west side. There are a couple of  
13 different scenarios. A galgon (phonetic) concrete  
14 curb that gets down into -- the asphalt would be  
15 \$1,500. So would an asphalt curb.

16 It's my understanding the reasons why they  
17 are requesting the curb is to solve a rutting problem.  
18 The drivers are not able to successfully make that  
19 turn, although the entrance is very wide. And the  
20 curb will protect their landscape investment that they  
21 want to make, and it would be a beautification, and  
22 protect the hydrant.

23 A curb typically is installed to control  
24 water flow, divert water into the inlet. And so in  
25 this case there is kind of different reasons why it's

1 being requested. It is a curb.

2 There could be other solutions. There  
3 could be some cobblestone, or a cobblestone curb. I  
4 have seen that in a lot of different subdivisions.

5 The hydrant, keep in mind that hydrant is  
6 not the City's asset to protect. It's Missouri  
7 American Water's asset, and if it gets damaged they  
8 are going to have to make the repairs.

9 There are a lot of examples with no curb in  
10 subdivisions' entrances, and then there are examples  
11 of where there is a cobblestone curb, probably put in  
12 by the subdivision. There is asphalt rolled curbs.

13 The city did remove the honeysuckle. It  
14 was on right-of-way, but it did result in loss of  
15 privacy.

16 In response, just to remind everyone, the  
17 city has paid \$1,000. The city is going to backfill  
18 with more dirt in that area. We are going to seed and  
19 straw. We are going to remove a tree. The project  
20 wouldn't be something that we would have identified as  
21 a project to do with city resources. We don't have  
22 any money budgeted at this time.

23 So that in conclusion -- but, again, there  
24 was a loss of privacy, and so it's really up to the  
25 Council to decide.

1                   CHAIRMAN BOMMARITO:  Anybody have a  
2 question?

3                   MR. BOND:  I have a question.  Anne, the  
4 \$2,500 curb, is that just on the west side of the  
5 entrance?

6                   MS. LAMITOLA:  Uh-huh.

7                   MR. BOND:  So you will have something  
8 that's asymmetrical as you come in?

9                   MS. LAMITOLA:  Uh-huh.  They provided  
10 pricing up to 4,500 to do both sides.

11                  MR. LANE:  Mayor Bommarito, we are just  
12 looking at -- it's just a safety factor with the curb.  
13 That's why we are not asking for both sides, as far as  
14 beautification.  It is a safety issue.

15                  AUDIENCE:  There is tracks, tire tracks.

16                  MR. BOND:  I realize that.  The right-hand  
17 turn makes it challenging; and the left-hand you have  
18 got the whole lane.

19                  MR. HIEMENZ:  Anne, how would putting a  
20 curb in there affect the free-flow of the surface  
21 water, storm water?

22                  MS. LAMITOLA:  There is a low point there,  
23 and there would have to be some type of drainage  
24 relief through the curb, like a PVC pipe or something  
25 that would allow the water to drain.  And talk about

1 the curb, it would have to be backfilled with maybe  
2 some decorative stone or something, that the water  
3 would flow into that area as an additional step, or  
4 you could put a little yard drain in, asphalt. But  
5 it's a low point.

6 MR. HIEMENZ: And that is in addition to  
7 the 2,500, or is that included?

8 MS. LAMITOLA: In terms of a more  
9 substantial yard drain would not be included, but just  
10 a PVC sleeve would be covered. But the backfill of  
11 the decorative stone, I believe, would be the  
12 subdivision cost.

13 AUDIENCE: We would be open, of course,  
14 paying for it if we were able to get the curbing for  
15 the safety.

16 MS. LAMITOLA: In terms of  
17 Chairman Hensley, (phonetic) we did ask for the  
18 pricing to be obtained, the city didn't commit to  
19 anything, and there is another Public Works Committee  
20 coming up in the first week of April if you wanted it  
21 to be discussed.

22 MR. FOX: I don't recall that the City  
23 Council asked for anything on this subject, did we?  
24 And is it not the case, Mr. Maupin, that someone  
25 planting vegetation in a right-of-way can have no

1 expectation that it won't be removed whenever the  
2 holder of the right-of-way deems it necessary?

3 MR. MAUPIN: That is the law in Missouri.  
4 If it's on the right-of-way it's to be -- it can be  
5 removed at any time for any reason, or no reason at  
6 all.

7 CHAIRMAN BOMMARITO: Say that one more  
8 time.

9 MR. MAUPIN: Things piled on the city  
10 right-of-way can be removed, if you don't have an  
11 agreement to the contrary, at any time for any reason  
12 or no reason at all.

13 The city was well within its rights to  
14 clear off the existing right-of-way, remove the  
15 honeysuckle from the existing right-of-way. The city  
16 was totally within its rights to do that.

17 CHAIRMAN BOMMARITO: In this case are they  
18 just going to plant grass seed and straw it?

19 MR. MAUPIN: I think that's different from  
20 Councilman Fox's question. I think you were referring  
21 back to the original issue of the removal of the  
22 honeysuckle and the exposure of the fence?

23 MR. FOX: Yes.

24 MR. MAUPIN: If they go in and put  
25 something else in there, Mayor, we can put a quick

1 agreement together, if we need to, preserving the  
2 right to go in and remove anything we deem to be an  
3 issue, or saying we won't remove things that are  
4 planted according to a plan, so to cover everybody's  
5 rights, and make everybody feel better about the  
6 subdivision putting things in the right-of-way so they  
7 know we won't go in right away and remove them.

8 CHAIRMAN BOMMARITO: Is your interest going  
9 to be on the right-of-way, Anne, is that how it works?

10 MS. LAMITOLA: It is.

11 MR. LANE: Everything is well within the  
12 Ladue ordinances. It's all very low. I mean, down  
13 Ladue Road, every single one of the entrances of the  
14 different subdivisions and their plantings are all  
15 within Ladue's right-of-way.

16 MR. FOX: Chief Wooten, is Maryhill an area  
17 where there has been a number of accidents at the  
18 entrance?

19 CHIEF WOOTEN: Off the top of my head I  
20 couldn't tell you that. I certainly can get that  
21 information and furnish it to you.

22 CHAIRMAN BOMMARITO: Maryhill has been  
23 trying for some time to beautify that area. Do you  
24 think we could support \$2,500 for them to cover the  
25 fire plug or fire hydrant?

1 MR. HIEMENZ: John, as I understood the  
2 other part of your question, you asked whether we had  
3 requested a proposal, is that not correct?

4 MR. FOX: Yes.

5 MR. HIEMENZ: If Council had requested a  
6 proposal, from my perspective I don't recall that we  
7 have.

8 MR. FOX: And I will be honest, I'm  
9 concerned that if we start putting in curbs around  
10 various subdivisions, there is no end to it. I think  
11 it's wonderful that they want to beautify the area at  
12 their own expense.

13 MR. HIEMENZ: And that was the sentiment  
14 that I had expressed several months ago. If they  
15 could leverage themselves for any curbing, assuming  
16 that it was approved by our public works director and  
17 not have an impact on the flow, that would be  
18 something we previously had. Warson Road was used as  
19 an example.

20 CHAIRMAN BOMMARITO: Any other comment from  
21 anybody? I appreciate your concerns and interest. I  
22 don't know -- at this point I don't know that \$2,500  
23 can be incurred around the fire hydrant. I guess we  
24 will just have to grass and seed it; is that the way  
25 it's going to stand?

1 MS. LAMITOLA: I will report that  
2 information back to the chairman, because he had asked  
3 me to do the pricing. I will speak with my main  
4 contact, she is out of town, from the subdivision,  
5 Carla Marshall. She had obtained some pricing too. I  
6 will work with the building department. They are  
7 still getting approval for their landscape plan.

8 MR. HIEMENZ: Did I also understand we are  
9 going to be removing a tree. Did I also understand we  
10 would go back in and remove the honeysuckle; is that  
11 correct.

12 MS. LAMITOLA: That's correct, yes.

13 CHAIRMAN BOMMARITO: Any other comments  
14 from anyone in the audience? If not, we will close  
15 the public hearing -- the public forum.

16 I will open the public hearing. We have a  
17 recommendation from the Zoning and Planning Commission  
18 to not make any changes to the Zoning Ordinance 1175,  
19 Section IV, C, regarding fences. I need a motion to  
20 open that public hearing.

21 MR. HIEMENZ: So moved.

22 MS. SPEWAK: Second.

23 CHAIRMAN BOMMARITO: All in favor.

24 MR. BOND: Aye.

25 MR. BURROUGHS: Aye.

1 MR. FOX: Aye.

2 MR. HIEMENZ: Aye.

3 MS. SPEWAK: Aye.

4 CHAIRMAN BOMMARITO: Opposed?

5 Mike, do you want to review that.

6 MR. WOOLDRIDGE: You have before you  
7 Mr. Fischer's report for the Commission and the  
8 recommendation that no changes be made. As it  
9 indicates, the Commission considered this at five  
10 meetings, dating back to last year, as well as meeting  
11 and hearing comments from concerned citizens. There  
12 was a group of three that were particularly active in  
13 this matter.

14 We reviewed -- they reviewed it, and it was  
15 their recommendation not to make any changes as the  
16 ordinance sits now.

17 MR. FOX: Mr. Mayor, as you know, you and I  
18 attended all of those meetings. And my sense was that  
19 there was too much being discussed at once. And the  
20 Commission was having a hard time getting their hands  
21 around the issue. And you also have the -- what I  
22 call the domino effect. If you change one thing, and  
23 then all of a sudden you have fences and they are out  
24 of compliance all over the city.

25 And I would like to suggest that we accept

1 the recommendation of Zoning and Planning, but with  
2 the proviso that we consider two small changes to the  
3 code pertaining to fences. One, which would ban  
4 fences in front yards. And a second one which would  
5 ban chain-link fences. And I wanted to pass out a  
6 draft of those changes and suggest -- I would suggest  
7 that we ask Mike Wooldridge and the city staff to work  
8 on an ordinance for us to consider at next month's  
9 meeting which would make those two small changes,  
10 which I think would solve the biggest concerns that  
11 everybody has about the proliferation of fences.

12 MR. HIEMENZ: John, you are indicating  
13 prohibiting fences in the front yard. If I'm looking  
14 at what you just distributed is the same, not to  
15 exceed 42 inches in height?

16 MR. FOX: Correct.

17 MR. HIEMENZ: So not totally?

18 MR. FOX: Right. But this would stop the  
19 big fences that are creating those walls of wood on  
20 Ladue in particular.

21 MR. HIEMENZ: I understood you to say  
22 prohibiting fences.

23 MR. FOX: I'm sorry. I wasn't explicit  
24 enough. It's prohibiting fences over 42 inches.

25 MS. SPEWAK: Or if it's a solid, 36 inches.

1 MR. FOX: I would suggest that we take a  
2 month and have the staff and Mr. Maupin take a look at  
3 this, and for us all to consider it and not leave the  
4 issue entirely.

5 I think the Zoning and Planning Commission  
6 worked very hard on this. The citizens that came to  
7 the meetings worked hard on it. And it just got too  
8 complicated. And I think if we take a couple of  
9 pieces at a time, we can solve the biggest concern  
10 that everybody has.

11 CHAIRMAN BOMMARITO: In this proposal,  
12 John, you are saying it is 42 inches tall?

13 MR. WOOLDRIDGE: Yes, it is 42 inches tall.

14 MR. FOX: Yes.

15 MS. SPEWAK: I'm very supportive of doing  
16 this and having John Maupin look at it and bringing it  
17 back to the Council next month. I just have a point  
18 of order. I'm not sure how we -- if we agree to do  
19 this, then do we -- what do we do about the  
20 recommendation as a whole?

21 MR. MAUPIN: You can accept the  
22 recommendation on the whole with the reservations.  
23 Accept it subject to reservations expressed on the  
24 record, and that way you can move forward and take  
25 care of it at your own pace with your own ordinance.

1 MR. FOX: I would move that, please.

2 MS. SPEWAK: I will second that.

3 MR. WOOLDRIDGE: You can't do that yet.

4 MR. FOX: I'm sorry. Kill the lawyer  
5 first, please.

6 CHAIRMAN BOMMARITO: One more comment,  
7 John. In your opinion would that eliminate solid wood  
8 fences on the north side of Clayton as well as Ladue?

9 MR. FOX: No, not necessarily.

10 CHAIRMAN BOMMARITO: So, as this  
11 ordinance -- would be the possibility of someone  
12 putting a solid wood fence on Clayton Road in front of  
13 the Bogey Club, is that still possible? Is that still  
14 possible?

15 MR. WOOLDRIDGE: What this does, and even  
16 in the current ordinance, you have this limitation of  
17 42 inches into the required front yard, but it makes  
18 an exception for those cases where you have two front  
19 yards where one front fronts a private street, one  
20 fronts a public street, and also corner lots. This  
21 does not impact it. What this really impacts is the  
22 case in particular a house that is on Dielman where it  
23 has an exceptionally long front yard. The owner went  
24 and put a 6-foot privacy fence from his  
25 front-required-yard setback all the way to the back of

1 the house, all the way down that side of the property  
2 line.

3 What this is proposing is that you won't be  
4 able to put anything up in any front yard from the  
5 street to the primary structure.

6 MR. FOX: Right.

7 MR. WOOLDRIDGE: So it would be limited to  
8 42 inches, and so you wouldn't be able to do that.  
9 But it won't stop the double frontage or the corner  
10 lot.

11 MR. FOX: I'm just trying to chew this one  
12 piece at a time.

13 MR. HIEMENZ: It's including the chain  
14 link?

15 MR. WOOLDRIDGE: Right.

16 MS. SPEWAK: And I think it is important  
17 because this is something that I really feel that  
18 Zoning and Planning, when they got to this piece of  
19 it, they didn't have -- it was at the end of the  
20 meeting and it really wasn't hashed out quite as well  
21 as some of the other issues, or as thoroughly, I  
22 guess, would be a good way to put it.

23 CHAIRMAN BOMMARITO: I think the big  
24 concern that I heard, and I'm just expressing mine was  
25 the fact that we were concerned about the fencing all

1 along Clayton Road, all along Ladue Road, all along  
2 Warson, and McKnight, Price Road, especially when you  
3 get the barricade of fence, we were just trying to  
4 solve that some way so you don't get the visual light  
5 that you might see that is beginning to happen now.

6 Anything would probably be an improvement  
7 over the way it's presently written, and so I do  
8 endorse it if the Council --

9 MR. FOX: Thank you, Mr. Mayor.

10 MR. HIEMENZ: John, as a point of order for  
11 us to go forward and, for approving this  
12 recommendation but amending it, does that require a  
13 super majority?

14 MR. MAUPIN: It does. A super majority is  
15 four. You need four votes on it.

16 MR. HIEMENZ: Thank you.

17 CHAIRMAN BOMMARITO: Does anyone have a  
18 followup comment on this? Yes, sir.

19 AUDIENCE: You need to continue the  
20 moratorium in effect.

21 CHAIRMAN BOMMARITO: The moratorium until  
22 that time.

23 AUDIENCE: There is currently a moratorium  
24 in effect to stop any fences.

25 CHAIRMAN BOMMARITO: This moratorium is for

1 90 days. Maybe we ought to extend the moratorium for  
2 another 30 days.

3 MR. FOX: Would that be a separate issue?

4 MR. MAUPIN: Yes. You can do it by  
5 separate vote, to extend the moratorium for another 30  
6 days.

7 CHAIRMAN BOMMARITO: Any other public  
8 comment?

9 GEORGE: Is that due to fences along  
10 Warson? This is a fairly new fence along that area.  
11 And I just wonder how this affects that kind of  
12 construction.

13 CHAIRMAN BOMMARITO: I guess my comment on  
14 that is any fence that's up, I think all of these were  
15 issues that got the committee a little confused,  
16 because there was so many, how do we change it, how do  
17 we handle it. I think maybe, as John had mentioned,  
18 they have to start somewhere and try to adjust it so  
19 they are a little bit more compatible with some of the  
20 other communities around us, we would be better off.  
21 But I think it has to be addressed. At least it's a  
22 start.

23 GEORGE: We used to have an ordinance that  
24 was 40 percent open, and I think that was certainly  
25 much better than what it's looking at now. It's

1 beginning to look like Brentwood.

2 CHAIRMAN BOMMARITO: I think more like  
3 South St. Louis.

4 MR. HIEMENZ: And, John, the document that  
5 you have distributed to us indicates: Shall not  
6 exceed 42 inches in height and be at least 40 percent.

7 MR. FOX: Correct.

8 MR. WOOLDRIDGE: And that's the way it  
9 reads now, just for the required front yard. This  
10 will make it apply to all front yards.

11 MR. FOX: And no prior offers, if anybody  
12 has any other ideas over the next month, it's fine  
13 with me. I thought let's not just give up, do  
14 something.

15 CHAIRMAN BOMMARITO: Can I vote at the next  
16 meeting? Are there any other comments? If not, we  
17 need to close the public hearing.

18 MR. MAUPIN: Mr. Mayor, before we close the  
19 record, we need to include in the record the Code of  
20 Ordinances of the City of Ladue, and the entire file  
21 of the Zoning and Planning with respect to this review  
22 of the fences, including the recommendation dated  
23 February 28, 2013, signed by M. Peter Fischer, Chair,  
24 recommending that there be no change in the fence  
25 regulations.

1                   CHAIRMAN BOMMARITO:   Okay.   Thank you, sir.  
2   We will need now a motion to close the hearing.  
3                   MR. HIEMENZ:    So moved.  
4                   MR. FOX:        Second.  
5                   CHAIRMAN BOMMARITO:  All in favor?  
6                   MR. BOND:       Aye.  
7                   MR. BURROUGHS:  Aye.  
8                   MR. FOX:        Aye.  
9                   MR. HIEMENZ:    Aye.  
10                  MS. SPEWAK:     Aye.  
11                  CHAIRMAN BOMMARITO:  Opposed?  
12                  Now we need a motion to approve the  
13   recommendation of Zoning and Planning Commission with  
14   the change recommended by Councilman Fox.  
15                  MR. FOX:        So moved.  
16                  MS. SPEWAK:     Second.  
17                  CHAIRMAN BOMMARITO:  All in favor?  
18                  MR. BOND:        Aye.  
19                  MR. BURROUGHS:  Aye.  
20                  MR. FOX:        Aye.  
21                  MR. HIEMENZ:    Aye.  
22                  MS. SPEWAK:     Aye.  
23                  CHAIRMAN BOMMARITO:  Opposed?  
24                  MR. FOX:        Mr. Mayor, I would move that we  
25   extend the moratorium on new fence permits for another

1 30 days.

2 MR. HIEMENZ: I will second that.

3 CHAIRMAN BOMMARITO: In favor?

4 MR. BOND: Aye.

5 MR. BURROUGHS: Aye.

6 MR. FOX: Aye.

7 MR. HIEMENZ: Aye.

8 MS. SPEWAK: Aye.

9 CHAIRMAN BOMMARITO: Opposed?

10 So nobody can put a fence up for another 30  
11 days, and I think that's a good idea.

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CERTIFICATE OF REPORTER

I, Bobbie L. Luber, 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. Luber, RPR, CCR #621

**BOBBIE L. LUBER**  
Notary Public - Notary Seal  
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St. Louis County  
My Commission Expires: July 19, 2016  
Commission #12478045