

**MINUTES OF MEETING  
CITY COUNCIL OF THE CITY OF LADUE  
ST. LOUIS COUNTY, MISSOURI  
MONDAY, APRIL 15, 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, April 15, 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  
Nancy Spewak  
Harold Burroughs

Six Council Members present.

Also present were Michael W. Wooldridge, Assistant to the Mayor / City Clerk; Mr. Rick Jett, Finance Director; Police Chief Rich Wooten; Fire Chief John Bailot; Assistant Fire Chief Jeff Johnson; Anne Lamitola, Director of Public Works; James Schmieder, Ladue Building Department; Mike Gartenberg, Building Official; Martin Kerckhoff, Chairman – Insurance Committee; Stephen Hall, Insurance Committee; Patrick Hensley, Chairman – Public Works Committee; Bill Brennan, Public Works Committee; Jim Schiele, Chairman – Finance Committee; John Maupin, City Attorney.

**Approval and Adoption of the Agenda:** Council Member Hiemenz moved the adoption of the agenda amended to delete the oath of office and approval of Resolution 2013-04 because the election of April 2, 2013, had not been certified by the St. Louis County Election Board, 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 Burroughs	"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 and Closed meetings of March 18, 2013. Council Member Hiemenz moved approval of the Minutes; seconded by Council Member Fox, which motion passed unanimously.

**Public Forum:**

Mayor Bommarito expressed his gratitude to the residents and volunteers for their assistance and guidance during his term as Mayor. He stated there was much for the City to accomplish and the focus should be to:

- o Change the day-to-day operations of the city to a city administrator structure;
- o Consider an employee pay structure that is open and fair for all employees and eliminates the step program;
- o Focus on the business corridor infrastructure;
- o Encourage residents to pay attention to government.

Mrs. Frances Gay, 52 Clermont Lane, and Mr. Dan Devereaux, 1328 Litzsinger Woods, thanked Mayor Bommarito for his service to the City.

**Committee Report:**

Mr. Kerckhoff requested approval of the city's insurance renewal with Traveler's and Missouri Employer's Mutual for property, casualty, liability, and worker's compensation insurance. He stated that the quotes increased costs 7.2% from 2012.

Council Member Stern asked if the city's broker(s) went to market for quotes. Mr. Hall advised that the market was solicited; however, the number of firms quoting is very small.

Council Member Stern moved to approve the insurance renewals with Traveler's Insurance and Missouri Employer's Mutual. 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 Burroughs	"Aye"
Council Member Spewak	"Aye"

Mr. Kerckhoff and Mr. Jett reviewed an administrative change that will have these insurance policies renew annually in July instead of May. They indicated this change will allow a more efficient and orderly renewal process.

Mr. Kerkchoff presented an amendment to the city insurance requirements for all contracts and vendors requiring professional liability coverage. He stated the amendment was unanimously recommended by the Insurance Committee.

Council Member Stern moved to approve the proposed amendment requiring professional liability insurance coverage. The motion was seconded by Council 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 Burroughs	"Aye"
Council Member Spewak	"Aye"

The motion was unanimously passed.

**Public Hearings:** None

**Old Business:** None

**Zoning and Planning Matters:**

Request from Community School, 900 Lay Road, for an amendment to their special use permit to construct a two story addition.

Council Member Stern moved to refer the request to the Zoning and Planning Commission for review and recommendation. 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 Stern	"Aye"
Council Member Fox	"Aye"
Council Member Spewak	"Aye"
Council Member Burroughs	"Aye"

The motion was passed by a unanimous vote.

**Proposed Legislation:**

**Bill 2063** – an ordinance amending 1175, section IV, C, regarding fences.

Mr. Wooldridge explained that at the request of the City Council at the April meeting an amendment was prepared to the fence regulations as provided in Zoning Ordinance 1175. He advised that two changes were requested:

1. Prohibit the use of chain link fencing;
2. Prohibit the height of a fence from exceeding 42" in any part of the front yard.

Council Member Fox moved the introduction of Bill 2063 amended to remove the reference to gates and the first "Whereas" paragraph, seconded by Council Member Hiemenz, which motion passed unanimously.

Council Member Hiemenz moved the first reading of Bill 2063, as amended; seconded by Council Member Fox, which motion passed unanimously.

Council Member Stern moved the second reading of Bill 2063, as amended; seconded by Council Member Fox, which motion passed unanimously.

Council Member Burroughs moved adoption of Bill 2063, as amended; 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.

Mayor Bommarito declared Bill 2063 adopted as **Ordinance 2063**.

**Financial Matters:**

Mr. Jett reviewed the 2012 Financial Statement as of December 31, 2012. He stated that the General Fund finished the year with a positive variance of \$1,198,627 versus the amended budget. The variance to budget was impacted by revenue gains in real estate taxes, telephone utility gross receipts, water utility gross receipts, building permits and sales tax. Expenditures were less than the amended budget primarily due to lower personnel costs than budget.

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

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

The Mayor and Council reviewed the Financial Report for March 2013 and year-end 2012. The Mayor ordered the reports filed for information.

The Mayor and Council reviewed the Cash Flow Summary for March 2013. The Mayor ordered the report filed for information.

The Mayor and Council reviewed the Land and Lot Delinquent Report for the period 2004 – 2008. The Mayor ordered the report filed for information.

**Department Reports:**

**Fire Department:**

Council Member Stern questioned the disparity in ambulance mutual aid with Ladue delivering more mutual aid than it receives. Discussion ensued and Chief Bailot was requested to review the issue further.

Chief Bailot reported that two bids were received for the replacement of the Asst. Fire Chief's vehicle. The contract was awarded to Don Brown Chevrolet at a net cost of \$26,750 which was less than the not to exceed authorization approved at the April 2013 City Council meeting.

**Police Department:** The Mayor and Council reviewed the Police Activity Report for the period through March 31, 2013.

In accordance with the provision of the Ladue Code Ordinances Section 2-413 (c) Chief Wooten notified the City Council of the purchase of a 16 channel DVR system for \$2,588.00. He advised that the old system had reoccurring failures that could not be repaired. Chief Wooten stated the system records audio and video in various locations of the police building including the jail cells.

Council Member Fox moved to approve the purchase as previously authorized by Mayor Bommarito under the provisions of Section 2-413 (c). The motion was seconded by Council Member Bond 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.

Chief Wooten requested approval of a contract with Action Target for a target retrieval system in the firing range at a cost of \$24,265.00. He stated that Action Target was the only company he could find that manufactures and installs the equipment.

Council Member Fox moved to approve the purchase of the target retrieval system at a cost of \$24,265.00 from Action Target. The motion was seconded by Council Member Bond 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.

Chief Wooten provided an overview of the department statistics submitted to the Missouri Attorney General for the annual racial disparity report.

Council Member Hiemenz asked if the department was at its authorized number of officers. Chief Wooten advised the department was two below its authorized number because of resignations. He expects to hire two officers in early May.

**Public Works:** The Mayor and Council reviewed the Public Works Activity Report for the month of March 2013.

Ms. Lamitola presented for approval an agreement with the Maryhill Subdivision Trustees for plantings and a decorative retaining wall in the city right-of-way at the subdivision entry. During the discussion it was determined from Carla Marshall, 16 Maryhill, that the plan was amended to include landscape lighting. Mr. Maupin advised that if the City Council approves the agreement it should be based on the plans dated April 15, 2013. Any changes will need to be presented to the Council as amended exhibit 1-A.

Council Member Hiemenz asked if any city permits will be needed for the lighting. Mr. Gartenberg advised that a St. Louis County electrical permit will be required.

Council Member Fox moved to approve the agreement with the Maryhill Subdivision trustees based upon the site plan dated April 15, 2013 and marked as Exhibit A. The motion was seconded by Council Member Stern 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.

Ms. Lamitola requested approval of a contract amendment with O.R. Colan Associates for the sidewalk and road portions of the McKnight Road & Sidewalk Project at a total cost of \$62,100.00. She stated this amends the original contract for the road and bridge portion of the project which was approved at a cost of \$14,300.00. The sidewalk portion of the project increased the number of parcels for which easements will be needed.

Council Member Hiemenz asked if this amount was within the previously approved budget amount. Ms. Lamitola advised the cost is within budget.

Council Member Bond expressed concern about the number of properties involved which appear to be all on the east side of the project.

Ms. Mary Ann Rober, 14 Blaytonn Lane, asked what the City Council will do if the bids for the project exceed the budget allocated for the project.

Council Member Burroughs stated the city has every expectation that the project will stay within budget. Council Member Bond advised that a project estimate will be made prior to soliciting bids.

Ms. Lamitola advised that the City is required to update the project cost estimate prior to bidding project and this amount will be provided to the City Council.

Council Member Burroughs moved to approve the amended contract with O.R. Colan at a total cost of \$62,100.00. The motion was seconded by Council Member Bond 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 March 2013. The Mayor ordered the report filed.

**Administration/City Clerk.**

The Mayor and Council reviewed the building department report for March 2013. Year-to-date 51 reportable permits were issued for a construction value of \$15.5 million. Mr. Wooldridge advised that the number of building permits were equal to the same period in 2012. Value of construction was up 300% compared to the same period in 2012.

Mr. Wooldridge requested approval of an amendment to the city employee personnel manual providing guidelines for the use of city vehicles.

Council Member Hiemenz moved to approve the amendment related to vehicle use. The motion was 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.

**Appointments:** Appointment of Fred Goebel, 10065 Springwood Drive, to the Zoning Board of Adjustment for term a term expiring December 31, 2016.

Council Member Hiemenz moved to approve the appointment of Fred Goebel to the Zoning Board of Adjustment. The motion was seconded by Council Member Bond, 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.

Appointment of Charles Hiemenz, 10 Berkley Lane, to the 2014 Dogwood Parade and Festival as Chairman.

Council Member Stern moved to approve the appointment of Charles Hiemenz as the chairman of the 2014 Dogwood Parade and Festival. The motion was seconded by Council Member Burroughs, and the vote thereupon was as follows:

Council Member Hiemenz	"did not vote /recused"
Council Member Bond	"Aye"
Council Member Stern	"Aye"
Council Member Fox	"Aye"
Council Member Spewak	"Aye"
Council Member Burroughs	"Aye"

The motion was passed.

**Liquor Licenses:**

Mayor Bommarito noted four liquor licenses for approval:

An application from the Racquet Club, 1600 Log Cabin Lane, 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.

An application from Gourmet To Go, 9828 Clayton Road, for renewal of their liquor license to sell intoxicating liquors in the original package. The report from the Police Department finds no reason why the license should not be issued.

An application from L'Ecole Culinaire, Ltd., 9811 S. Forty Drive, for renewal of their liquor license to sell intoxicating liquors by the drink. The report from the police department finds no reason why the license should not be issued.

An application from St. Louis Country Club, 400 Barnes Road, for renewal of their liquor license under the name of a new licensee. The report from the police department finds no reason why the license should be not issued.

Council Member Stern moved the approval of the license renewals; 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 Stern	"Aye"
Council Member Burroughs	"Aye"
Council Member Spewak	"Aye"

The motion was passed unanimously.

Mayor Bommarito noted that the next City Council meetings would be on May 20 and June 17, 2013.

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

Council Member Fox moved to go into closed session for discussion of legal 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 5:15 PM with Mr. Wooldridge and Mr. Maupin)

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

The motion was passed unanimously.

(Returned to open session at 5:25 PM)

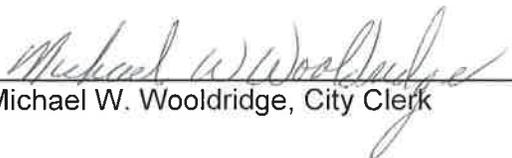
**Adjournment:**

Councilman Hiemenz moved adjournment, seconded by Councilman Fox, which motion passed unanimously. The meeting adjourned at 5:25 PM.

**APPROVED THIS 20<sup>th</sup> DAY OF MAY 2013.**

  
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Nancy Spewak, Mayor

**ATTEST:**

  
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Michael W. Wooldridge, City Clerk