

**MINUTES OF MEETING
CITY COUNCIL OF THE CITY OF LADUE
ST. LOUIS COUNTY, MISSOURI
MONDAY, JUNE 17, 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, June 17, 2013, at 4:00 p.m., at the City Hall, 9345 Clayton Road. The following were present:

The Hon. Nancy Spewak, presiding.

Members of the Council present:

A. Charles Hiemenz
Art Bond
Walter G. Stern
John R. Fox
William Brennan
Harold Burroughs (by phone)

Six Council Members present.

Also present were Michael W. Wooldridge, City Clerk/Assistant to the Mayor; Mr. Rick Jett, Finance Director; Chief Rich Wooten; Fire Chief John Bailot; Asst. Fire Chief Jeff Johnson; Ms. Anne Lamitola, Public Works Director; Mr. James Schmieder, Ladue Building Department; Mr. Michael Gartenberg, Building Official; City Attorney, John Maupin.

Approval and Adoption of the Agenda: Council Member Stern moved the adoption of the agenda, 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 Brennan	"Aye"
Council Member Burroughs	did not vote

Approval of Minutes: Mayor Spewak asked for any amendments, corrections or clarifications to the Minutes of the Regular and Closed Meetings of May 20,

2013, and the meeting of May 30, 2013. Council Member Hiemenz moved approval of the Minutes, 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 Brennan	"Aye"
Council Member Burroughs	did not vote

Public Forum: Mr. George Fonyo, 9758 Litzsinger Road, commented about the possible need for a microphone to be used by the public during the council meeting.

New Business: (None)

Public Hearing:

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 issue an amendment to the Special Use Permit to Community School, 900 Lay Road, to construct a performing arts addition. (ZPC 13-02).

The Hearing will be held at 4:00 p.m., or as soon thereafter as the matter may be properly heard, on Monday, June 17, 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

Council Member Stern moved to open the public hearing; Council Member Bond seconded the motion 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 Brennan	"Aye"
Council Member Burroughs	did not vote

Mr. Matthew Gould, Head of School, presented an overview of the proposed project. He stated that when approved in 2007 the master facility plan included a performing arts addition. The addition was not built because of financial constraints in 2008. The proposed two-story addition will have a footprint of approximately 12,231 s.f. and total square footage of approximately 19,000 s.f. A portion of the existing school facility will be demolished to accommodate the new addition.

Council Member Bond asked if the student drop-off or pickup will be affected during construction. Mr. Gould advised that their traffic area circulation plan takes the construction into consideration.

Council Member Hiemenz asked if parking will be sufficient to accommodate the building's events. Mr. Wooldridge stated that one of the conditions recommended by the Zoning & Planning Commission restricts the use of the gymnasium and cafeteria when events are planned in the performing arts addition to insure sufficient parking.

In response to a question by Council Member Stern, Mr. Gould advised that the cost of the addition will be \$3,500,000.00, and most of the money has been raised.

Mr. Wooldridge advised that the Zoning & Planning Commission recommended approval of the special use permit amendment with the following conditions:

1. All conditions specified in previous special use permits not changed by this amendment shall remain in force.
2. The proposed addition will be built based on drawings dated April 29, 2013, plans dated April 30, 2013, written correspondence from the applicant dated May 6, 2013, and the applicant's e-mail correspondence dated May 16, 2013.
3. Storm water management plans prepared by the applicant shall be approved by the Metropolitan St. Louis Sewer District and the City's drainage engineering consultants, if necessary, prior to the issuance of any land development permit for the site. If there are any storm water problems caused by this development, on or off site, applicant shall promptly correct such problems at its expense.

4. The School and its contractor's will insure that proper and appropriate measures are taken to minimize the spread of dust from debris during the demolition of the portion of the building to be rebuilt.
5. The School shall provide adjacent property owners the opportunity to review plans for storm water management.
6. The parking spaces approved in this S.U.P. (251) shall not be reduced, nor shall there be special events programmed for the Performance and Gymnasium Spaces at the same time.
7. During construction of the school facility, there shall be no removal of excavated materials or deliveries of construction material prior to 7:30 a.m. or after 4:00 p.m.
8. All trucks leaving school premises shall be cleaned of mud; contractors must clean any mud tracked onto Clayton Road or Lay Road whenever needed, at a minimum on a daily basis.
9. All parking for construction workers and construction equipment shall be provided on site. No parking shall be permitted along Clayton Road or Lay Road.
10. These restrictions and requirements must be placed in the contracts with general contractors and in turn with all subcontractors.
11. Contractors shall indemnify the City for any damage to public streets of Ladue and shall post a bond in the amount of \$100,000.00 to guarantee their indemnity agreements.
12. The School will not, on a regular basis during the construction, allow construction which has a high noise level on weekends or after 5:00 P.M. on weekdays. No work shall be performed on Sundays. The School will work with the neighboring property owners on an agreement outlining the conditions for any Saturday work.
13. Community School shall enforce items 6 through 12 above.
14. Implementation of the school improvements shall be in accordance with the schedule submitted on May 16, 2013 (commencement of construction summer, 2013, and completion by December 31st, 2013).
15. The final landscape plan should be reviewed and approved by the City Landscape Review Committee to ensure compliance with the City's tree protection ordinance and to ensure that appropriate species of trees are installed on site.
16. The City reserves the right to reexamine the Special Use Permit from time to time in the event that the use of or the school activities shall result in a substantial increase in traffic density coming to and from the school than that which now exists.

17. The City shall reserve the right to enforce the Special Use Permit and its conditions and violation thereof shall be grounds for revocation after due notice and hearing.

Ms. Diane Schaefer, 12 Greenbriar, expressed concern about air pollution caused by the demolition and construction. Mr. Gould assured her that appropriate measures will be taken to minimize any dust contamination.

Council Member Stern moved to close the public hearing; Council Member Hiemenz seconded the motion, 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 Brennan	"Aye"
Council Member Burroughs	did not vote

Council Member Stern moved approval of the recommendation of the Zoning and Planning Commission; 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 Brennan	"Aye"
Council Member Burroughs	did not vote

Zoning and Planning Matters: (None)

Proposed Legislation: (None)

Financial Matters:

The Council reviewed the **vouchers for payment** for the month of May 2013. Council Member Stern moved their approval, seconded by Council Member Bond, which motion passed unanimously. (Council Member Burroughs did not vote)

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

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

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

The Mayor and Council reviewed the Delinquent Land and Lot report for May 2013. The Mayor ordered the report filed for information.

Department Reports:

Fire Department: The Council reviewed the Fire Department Activity Report for May 2013. The Mayor ordered the report filed.

Mr. Wooldridge requested approval of a contract with Landmark Contract Management, Inc., as owner's representative on the firehouse #2 project. He stated the contract is for an amount not to exceed \$57,109.00.

Council Member Fox moved approval of the contract with Landmark Contract Management, Inc., as the owner's representative for the design and construction of firehouse #2 at a cost not to exceed \$57,109.00. 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 Brennan	"Aye"
Council Member Burroughs	did not vote

The motion was unanimously passed.

Mr. Lou Chiodini and Mr. Joe Frigerio, Chiodini Architects, presented the floor plans and elevations for the proposed firehouse #2 rebuild. Mr. Frigerio advised that the proposal includes a mezzanine on the first floor that may add \$50,000.00 in cost.

Council Member Stern asked why the kitchen included three (3) refrigerators and three (3) beds in each sleeping area.

Council Member Bond advised this was typical because three (3) shifts of personnel used the facility.

Council Member Bond commented on the quality of design and how well it fit into the area. He suggested a couple of design changes for consideration:

1. Glass apparatus doors are not appropriate; simulated carriage/barn doors may be a better aesthetic fit in Ladue.
2. Front entry door dormer needs to be adjusted to fit better with the south elevation.
3. The band line around the building needs to fit better at the corner.

Mr. Wooldridge advised that the Architectural Review Board had conducted a preliminary review of the plans and had no negative comments.

Council Member Fox moved the approval of the proposed building elevations for firehouse #2 with the following changes to be considered: equipment bay doors to be changed to not include all glass, front door architectural features to be reviewed, and decorative band around building to be adjusted. 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 Brennan	"Aye"
Council Member Burroughs	did not vote

The motion was unanimously passed

Police Department: The Council reviewed the Police Activity Report for the period January 1, 2013 through May 30, 2013. The Mayor ordered the report filed.

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

Ms. Lamitola requested approval of the expenditure of \$2,750.00 paid to Top Tree Service for the emergency removal of a tree along Ladue Road.

Council Member Stern moved approval of the payment to Top Tree Service of \$2,750.00 for tree removal. The motion was seconded by Council 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 Brennan	"Aye"
Council Member Burroughs	did not vote

The motion was unanimously passed.

Municipal Court:

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

Administration/City Clerk.

The Mayor and Council reviewed the building department report for May 2013.

Mr. Wooldridge advised that the number of building permits increased 5.9% in year to date comparison to 2012. Construction value decreased 42.15% from the same period in 2012.

Mr. Wooldridge requested approval of a three-year contract with AT&T for T1.5 telephone service at a cost of \$615.00 per month. Mr. Wooldridge explained the contract provides telephone service at the city hall complex and is at the same cost as previously approved in the last contract signed in 2010.

Council Member Stern moved approval of the contract with AT&T for three years at a cost of \$615.00 per month. 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 Brennan	"Aye"
Council Member Burroughs	did not vote

The motion was unanimously passed.

Mr. Maupin advised that briefs are scheduled before the Appeals Court on July 9, 2013, regarding the White v. City of Ladue lawsuit.

Appointments: (None)

Liquor Licenses:

Mayor Spewak noted four (4) liquor licenses were due for renewal:

An application from Log Cabin Club, 1140 Log Cabin Lane, for renewal of their liquor license to sell intoxicating liquor by the drink for consumption on the premises, including beer or malt liquor not in excess of 5% by weight and with Sunday sales. The report from the police department finds no reason why the license should not be issued.

An application from Bogey Club, 9266 Clayton Road, for renewal of their liquor license to sell intoxicating liquor by the drink for consumption on the premises, including beer or malt liquor not in excess of 5% by weight and with Sunday sales. The report from the police department finds no reason why the license should not be issued.

An application for a liquor license by Pei Wei Asian Diner, 8885 Ladue Road, for a license to sell intoxicating liquors by the drink on the premises, with Sunday sales. The report from the police department finds no reason why the license should not be issued.

An application from Deer Creek Club, 9861 Deer Creek Hill, for renewal of their liquor license to sell intoxicating liquor by the drink for consumption on the premises, for sale in the original package, beer or malt liquor not in excess of 5% by weight for consumption on the premises, beer or malt liquor not in excess of 5% by weight not for consumption on the premises, wine sampling and with Sunday sales. The report from the police department finds no reason why the license should not be issued.

Council Member Stern moved the approval of the liquor license renewals; 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 Brennan	"Aye"
Council Member Burroughs	did not vote

The motion was passed unanimously.

Adjournment: Mayor Spewak stated that the next regular meetings would be Monday, July 15, 2013 and Monday, August 19, 2013.

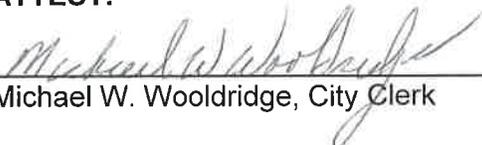
Council Member Hiemenz moved adjournment; seconded by Council Member Stern, which motion passed unanimously (Council Member Burroughs did not vote). The meeting adjourned at 5:05 PM.

APPROVED THIS 15th DAY OF JULY 2013.



Nancy Spewak, Mayor

ATTEST:



Michael W. Wooldridge, City Clerk