

**MINUTES OF MEETING
CITY COUNCIL OF THE CITY OF LADUE
ST. LOUIS COUNTY, MISSOURI
MONDAY, JUNE 20, 2016**

The regular meeting of the City Council of the City of Ladue, St. Louis County, Missouri, was held on Monday, June 20, 2016, at 4:07 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 Fox
William Brennan
Harold Burroughs

Absent:

John Howell
Patrick Hensley

Four Council Members present.

Also present were Ms. Laura Rider, City Clerk/Assistant to the Mayor; Mr. Samuel Zes, Finance Director; Police Chief Rich Wooten; Fire Chief Steve Lynn, Ms. Anne Lamitola, Public Works Director; Mr. Will Penney, Building Official; Ms. Andrea Sukanek, City Planner and Ms. Erin Seele, City Attorney.

Approval of the Agenda: Ms. Rider amended the agenda for the Committee Report, Item C-2, changing the amount of the property and casualty insurance premium from \$267,929.00 to \$268,606.00. Council Member Fox moved approval of the agenda as amended, seconded by Council Member Brennan, which motion passed unanimously.

Approval of Minutes: Mayor Spewak asked for any amendments, corrections or clarifications to the Minutes of the Regular and Closed Meetings of May 16, 2016. Council Member Hiemenz moved approval of the Minutes of the Regular and Closed Meetings as submitted for May 16, 2016, seconded by Council Member Burroughs, which motion passed unanimously.

Police Department Recognition Awards: Police Chief Wooten presented letters of commendation to Officer Jason Balsman, Detective Chris Armstrong and Communications Officer Joe Harris in recognition of outstanding performance.

Employee Service Award: Ms. Rider presented a plaque and gift to Ms. Shelly Benson in appreciation of her twenty years of service to the City.

Public Forum: Mr. James Zych, 2 Stoney Brook Lane, expressed his concerns about the lengthy ongoing construction at 3 Stoney Brook Lane and asked what actions could be taken to escalate the completion of this project. Mayor Spewak thanked Mr. Zych for bringing this matter to the Council's attention and stated that staff would look into this matter.

Public Hearing: The City Council will hold a public hearing on a recommendation for a Special Use Permit to install telecommunications small cell antennas on top of utility poles along with radio and power equipment mounted on poles at five locations: (Z&P recommends approval; ZPC16-04)

- Warson Road, north of Ladue Road
- Ladue Road, between Upper Ladue and Ladue Lane
- Ladue Road adjacent to 40 Glen Eagles
- Ladue Road, west of Price Road
- Dielman Road, north of Sunny Meade

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

Ms. Erin Seele, City Attorney, stated that the hearing notice, the Zoning and Planning File ZPC 16-04 as well as the entire Code of Ordinances and Ordinance No. 1175 are entered as part of the record and are available for review. The telecommunications laws have changed dramatically and limit the City's zoning authority over telecommunications antennas. The City will not apply any regulations that are contrary or inconsistent with the law.

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

Council Member Fox moved approval of the Special Use Permit submitted by Extenet, Inc. to install telecommunications small cell antennas on top of utility poles along with radio and power equipment mounted on poles at five locations, seconded by Council Member Brennan, which motion passed unanimously.

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

Committee Report: (Insurance)

C-1 Request for approval of a one year renewal for Workers' Compensation Insurance with Missouri Employers Mutual at a cost of \$210,362.00.

Mr. Stephen Hall, Chairman of the Insurance Committee, reported that the premium is a 1% increase over the current year due to payroll increases.

Council Member Fox moved approval of renewing the Workers' Compensation Insurance with Missouri Employers Mutual at a cost of \$210,362.00, seconded by Council Member Burroughs, which motion passed unanimously.

C-2 Request for approval of a one year renewal for Property and Casualty Insurance with Travelers Insurance at a cost of \$268,606.00.

Mr. Hall reported that the premium has increased about 4% due to an increase in values.

Council Member Hiemenz moved approval of renewing the Property and Casualty Insurance with Travelers Insurance at a cost of \$268,606.00, seconded by Council Member Brennan, which motion passed unanimously.

C-3 Request for approval to offer an enhanced Employee Assistance Program with Mutual of Omaha at an annual cost of \$1,156.00.

Mr. Hall stated that the Insurance Committee is recommending that the City offer an enhanced Employee Assistance Program (EAP). Currently, the employees have access to resources on a website only with no telephone or face-to-face visits. The current EAP is available as part of the LIFE and LTD Insurance at no additional cost to the City.

The enhanced EAP offers unlimited telephone access and six face-to-face visits with a counselor, among other benefits. The annual cost for the EAP is \$1,156.00 and is offered by Mutual of Omaha.

Council Member Brennan moved approval of offering an enhanced Employee Assistance Program with Mutual of Omaha at an annual cost of \$1,156.00, seconded by Council Member Fox, which motion passed unanimously.

Zoning & Planning Matters:

ZP - 1: Referral to Zoning and Planning Commission for a Special Use Permit to operate a Therapeutic Massage Practice at Clayprice Shopping Center.

Ms. Sukanek stated that the Special Use Permit is being requested by one individual operating a small office.

Council Member Fox moved referral of the application for a Special Use Permit to operate a Therapeutic Massage Practice at Clayprice Shopping Center to the Zoning and Planning Commission for review and recommendation, seconded by Council Member Brennan, which motion passed unanimously.

ZP - 2 Referral to Zoning and Planning Commission for a Rezoning from B-Residential to C-Residential for Clayprice Subdivision and Preliminary Plat.

Ms. Sukanek stated that this request is for Clayprice Court which is right behind Clayprice Shopping Center. There are currently two residents living there. The applicant would like to develop six lots and possibly five new homes.

Mayor Spewak stated that she would like to make a statement regarding this referral request which asks to rezone 4 lots in District B (1.8 acres) to District C (30,000 square feet) to create 6 lots and 5 new homes.

Legally, the applicant has the right to have Zoning and Planning review and vet this application with a recommendation back to Council as whether or not to approve the request.

I believe the applicant desires to have Zoning and Planning review this.

I want the applicant to understand that, to my knowledge, the City of Ladue has never approved decreasing the required lot size for residential homes. We currently have a PUD ordinance, but this proposal does not meet the PUD's specific requirements.

In my opinion, this request is directly contrary to the City's Comprehensive Plan.

Ladue's 1939 Comprehensive Plan established and recognized that "one of the major objectives" of the Ladue zoning ordinances was to "protect and continue the spacious residential character" found in Ladue. Continually downgrading residential zoning will ultimately destroy the intent of the Comprehensive Plan. Homes with park-like yards are a fundamental characteristic of Ladue that needs to be preserved.

Additionally, storm water is a tremendous concern within the City limits. Our Storm Water Initiative Committee is addressing stronger development standards for new homes. Smaller lots with more homes would be in direct contrast to the objective of minimizing storm water damage.

In closing, understand that no Council member has made up their minds and I firmly believe that Zoning and Planning should review this request if that is what the applicant desires, but I have serious doubt that this application can be approved because it appears to me that it is not in line with the City's comprehensive plan or character.

Council Member Hiemenz moved referral of the application for a rezoning from B-Residential to C-Residential for Clayprice Subdivision and Preliminary Plat 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. 2130 – An ordinance ordering the installation of one (1) fire hydrant in the City of Ladue, St. Louis County, Missouri.

Mayor Spewak read Bill No. 2130 for a first reading. Council Member Fox read Bill No. 2130 for a second reading.

Council Member Fox moved approval of Bill No. 2130, seconded by Council Member Burroughs and the vote thereupon was as follows:

Council Member Burroughs	“Aye”
Council Member Hiemenz	“Aye”
Council Member Fox	“Aye”
Council Member Brennan	“Aye”

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

Mayor Spewak declared Bill No. 2130 adopted as **Ordinance 2130**.

Bill No. 2131 - An ordinance of the City of Ladue, St. Louis County, Missouri, amending Section 2 of Ordinance 1987 relating to installation of heating and air conditioning units and concrete foundation exposure requirements within the City’s residential building code.

Mayor Spewak read Bill No. 2131 for a first reading. Council Member Fox read Bill No. 2131 for a second reading.

Council Member Hiemenz moved approval of Bill No. 2131, seconded by Council Member Burroughs and the vote thereupon was as follows:

Council Member Hiemenz	“Aye”
Council Member Fox	“Aye”
Council Member Brennan	“Aye”
Council Member Burroughs	“Aye”

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

Mayor Spewak declared Bill No. 2131 adopted as **Ordinance 2131**.

Bill No. 2132 – An ordinance approving the Boundary Adjustment of 1 and 3 Glenview Road as depicted on the Final Plat labeled “1 & 3 Glenview Road, Boundary Adjustment Plat”.

Ms. Sukanek stated that this is a small subdivision with a transfer of land owned by the same person resulting in one 3-acre lot and one 6-acre lot while leaving a buffer. Ms. Sukanek explained that the Boundary Adjustment does not require review by the Zoning and Planning Commission; only review by the City Planner. If the Boundary Adjustment is approved it will meet the City's code.

Mayor Spewak read Bill No. 2132 for a first reading. Council Member Brennan read Bill No. 2132 for a second reading.

Council Member Fox moved approval of Bill No. 2132, seconded by Council Member Brennan and the vote thereupon was as follows:

Council Member Fox	“Aye”
Council Member Brennan	“Aye”
Council Member Burroughs	“Aye”
Council Member Hiemenz	“Aye”

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

Mayor Spewak declared Bill No. 2132 adopted as **Ordinance 2132**.

Bill No. 2133 – An ordinance authorizing the grant of an easement to Metropolitan St. Louis Sewer District to certain property within the City of Ladue, Missouri.

Mayor Spewak read Bill No. 2133 for a first reading. Council Member Hiemenz read Bill No. 2133 for a second reading.

Council Member Fox stated that the easement is needed for the reconstruction of the sewer line that runs across the Fire House No. 1 property.

Council Member Fox moved approval of Bill No. 2133, seconded by Council Member Brennan.

The vote thereupon the motion was as follows:

Council Member Brennan	“Aye”
Council Member Burroughs	“Aye”
Council Member Hiemenz	“Aye”
Council Member Fox	“Aye”

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

Mayor Spewak declared Bill No. 2133 adopted as **Ordinance 2133**.

Bill No. 2134 – An ordinance of the City of Ladue, St. Louis County, Missouri adopting the Building Department schedule of fees; amending the Building Department permits and inspections fees; and amending the duration and extension procedure for building permits.

Mayor Spewak thanked Ms. Lamitola and Mr. Penney for their extensive research on the building department fees and the City Attorney's review.

Mayor Spewak read Bill No. 2134 for a first reading. Council Member Burroughs read Bill No. 2134 for a second reading.

Council Member Fox moved approval of Bill No. 2134, seconded by Council Member Burroughs.

Council Member Hiemenz referred to Page 3 of Bill No. 2134, Section 105.8, and asked why permit extensions would be reported to the City Council instead of being approved by the City Council, as is the current practice. Mayor Spewak responded, that in reality, when the permit extensions come before the Council they are not denied.

Council Member Hiemenz asked why the City would not charge for a failed inspection. Ms. Lamitola explained that currently there aren't any fees paid for inspections. We felt the City could provide the first inspection at no charge. Then if the inspection fails there will be a fee for subsequent inspections. Mr. Penney stated that the City is trying to stop continuous failures.

Council Member Burroughs asked for definition of cause beyond the control of the builder; and is the builder the homeowner or the contractor. Ms. Seele stated this is the language in the current ordinance and it is left to the discretion of the Building Official to make that determination. Following discussion, Ms. Lamitola offered to develop a policy or prepare an amendment to the ordinance clarifying this issue.

The vote on motion to approve Bill No. 2134 was as follows:

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

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

Mayor Spewak declared Bill No. 2134 adopted as **Ordinance 2134**.

Resolution No. 2016-04 - A resolution authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a contract to provide asbestos abatement services to the City.

Council Member Fox stated the asbestos abatement is needed in connection with the demolition of Fire House No. 1. Paric, the City's Construction Manager, received four bids and is recommending Envirotech as the low bidder.

Council Member Burroughs moved approval of Resolution NO. 2016-04, seconded by Council Member Fox, which motion passed unanimously.

Financial Matters:

Mr. Zes stated that he is working on a six month analysis which will be ready for presentation at the next Council meeting.

Ms. Michele Graham from Botz, Deal & Company presented the 2015 audit findings. She stated the City was given a clean opinion. The financial statements include all required information and disclosures including the requirements for pension plans. The City also required a single audit for federal funding. There was a clean opinion on that as well. The Finance Committee reviewed the statements prior to the report being presented to the Council. Ms. Graham commended the Finance Director, Sam Zes, for the hard work put forth for the audit.

Mr. Bill Winningham, Actuary – Milliman, Inc., provided a review of the valuations of the Uniform and Non-Uniform Pension Plans as of January 1, 2016. He stated the net market rate of return for the Uniform Plan was a loss of 0.6% but with a five year smoothing method the net actuarial rate was 6.1% vs. the assumed rate of 7%. The net market rate of return for the Non-Uniform Plan was a loss of 0.7% but with a five year smoothing method the net actuarial rate was 6.2% vs. the assumed rate of 7%. The actuarial funded ratios of the plans, based on actuarial value of assets, were 78% for the uniform plan and 89% for the non-uniform plan.

Council Member Hiemenz asked how the assumed rate was set. Mr. Winningham replied that the Pension Board of Trustees sets the rate but the investment manager and the actuary work together to make a recommendation to the Board.

The Council reviewed the **vouchers for payment** for the month of May 2016. Council Member Hiemenz 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 May 2016. The Mayor ordered the reports filed for information.

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

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

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

Department Reports:

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

Fire Chief Lynn stated that he was approached by members of the department requesting that the Fire Department patch be updated. With a new administration and the culture of the department changing they felt it was the right time for a change. Firefighter/Paramedic Brian Gibson designed the proposed new logo. The Board of Fire and Police Commissioners unanimously endorsed the change. Chief Lynn displayed some apparel with the new logo. If approved, the Department will transition to the new logo over the next six months. There was some question as to whether the Fire Department was established in 1931 or 1936. Chief Lynn stated that he will research the year established.

Council Member Hiemenz moved approval of the new logo/uniform change, seconded by Council Member Burroughs, which motion passed unanimously.

Chief Lynn provided an update on the Fire House operations. As of June 15th, House No. 1 is operating out of the temporary trailer on the City Hall grounds. Concerns regarding the direction of traffic at the trailer and on the City Hall grounds will be reviewed. Chief Lynn acknowledged the Department of Public Works for their assistance with the move.

Council Member Fox stated that there is a need for third party oversight and air monitoring activities during the asbestos abatement at Fire House No. 1.

Council Member Fox moved approval for the Mayor to execute a contract with SCI Engineering, Inc. to provide third party oversight and air monitoring activities for Fire House No. 1 in conjunction with the asbestos abatement at a cost of \$475.00, seconded by Council Member Burroughs, which motion passed unanimously

Fire Chief Lynn reported that the City was planning to sell the generator used at House No. 1 but it will now be transferred to the Department of Public Works to replace their aging generator.

Council Member Fox updated the Council on the construction of Fire House No. 1. The building plans were presented to the Architectural Review Board and were approved as submitted. Paric held a pre-bid meeting and reported that it was well attended. Bids are due at the end of June and a recommendation for a general contractor should be coming forth at the next Council meeting. The Mayor, City Clerk and Council Member Fox met with Wallis Petroleum regarding the contaminated soil and they were quite cooperative.

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

Chief Wooten requested approval of the purchase of two patrol vehicles from Lou Fusz Ford. The vehicles are Ford Explorers which offer more interior space and are all-wheel drive. The cost of the new vehicles including trade-in is \$49,626.00.

Council Member Hiemenz moved approval of the purchase of two Ford Explorers from Lou Fusz Ford at a cost of \$49,626.00, seconded by Council Member Brennan, which motion passed unanimously.

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

Ms. Lamitola stated that the Public Works Department is replacing a 2003 dump truck in the City's fleet. This is a budgeted item in the Capital Fund. The purchase is being made under the Missouri Department of Transportation bid contract from Truck Centers, Inc. at a cost of \$103,133.00.

Council Member Brennan moved approval of the purchase of a two ton dump truck from Truck Centers Inc. under the Missouri Department of Transportation bid contract at a cost of \$103,133.00 as described in the meeting packet, seconded by Council Member Fox, which motion passed unanimously.

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

Building Permit Extensions:

1. 23 Overbrook, Permit #150988, extended to 8/31/16
2. 16 Oakleigh Lane, Permit #150975, extended to 7/30/16
3. 11 Warson Terrace, Permit #150968, extended to 7/30/16
4. 34 Glen Eagles, Permit #150736, extended to 6/30/16
5. 38 Deerfield Terrace, Permit #150391, extended to 7/31/16
6. 26 Rolling Rock Court, Permit #150159, extended to 8/23/16

Council Member Fox moved approval of the building permit extensions, seconded by Council Member Brennan, which motion passed unanimously.

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

Administration/City Clerk:

Ms. Rider requested approval of the purchase of office furniture for the City Clerk's office, the Finance Director's office and the Court Clerk's office. This is a budgeted item in the Capital Fund to replace aging, outdated desks and insufficient file storage. The purchase is being made through a purchasing cooperative offered to government entities through a local vendor, CI Select. The total cost for the furniture is \$14,460.03.

Council Member Burroughs moved approval of the purchase of office furniture for the Administration Department from CI Select a cost of \$14,460.03, as described in the meeting packet, seconded by Council Member Brennan, which motion passed unanimously.

Ms. Rider reported that the City's agreement with AT&T for landline phone service expires this month. As a result of meeting and negotiating with AT&T, staff is proposing a new 24 month agreement for Voice over Internet (VoIP) phone service at a monthly cost of \$903.48. This will result in a savings of \$1,800.00 per month over the current cost. Once the agreement is executed the transition will take 90-120 days to complete. The City will continue to use the existing phone equipment.

Council Member Burroughs moved approval for the Mayor to execute a contract with AT&T for phone service for a term of twenty-four months at a cost of \$903.48 per month, as described in the meeting packet, seconded by Council Member Brennan, which motion passed unanimously.

City Attorney: Ms. Seele reported that the Governor signed SB 572. Ms. Seele will meet with the City Prosecutor to determine if any changes are needed.

Appointments: None

Liquor Licenses:

- L-1. Bogey Club, 9266 Clayton Road
- L-2. Deer Creek Club, 9861 Deer Creek Hill
- L-3. Extra Virgin an Olive Ovation, 8829 Ladue Road
- L-4. Giovanni's Kitchen, 8831 Ladue Road
- L-5. Gourmet to Go, 9828 Clayton Road
- L-6. L'Ecole Culinaire, Ltd., 9807 S. Forty Drive
- L-7. Ladue Market Inc., 9155 Clayton Road
- L-8. Ladue Pharmacy, LLC, 9832 Clayton Road
- L-9. Lester's, 9906 Clayton Road
- L-10. Log Cabin Club, 1140 Log Cabin Lane
- L-11. Old Warson Country Club, 9841 Old Warson Road
- L-12. Pei Wei Asian Diner, 8885 Ladue Road
- L-13. Racquet Club, 1600 Log Cabin Lane
- L-14. Schneithorst's Restaurant, 1600 South Lindbergh Blvd.
- L-15. Schnuck's Markets, Inc. d/b/a Schnuck's, 8867 Ladue Road
- L-16. Schnuck's Markets, Inc. d/b/a Schnuck's, 10275 Clayton Road
- L-17. Dornaka Restaurant Holdings LLC d.b.a. Sportsman's Park, 9901 Clayton Rd.
- L-18. St. Louis Country Club, 400 Barnes Road
- L-19. Sweetology, 9214 Clayton Road
- L-20. Hats, Inc. d.b.a. Truffles in Ladue, 9202 Clayton Road
- L-21. The Women's Exchange, 8811A Ladue Road

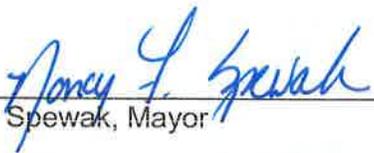
Council Member Fox moved approval of the liquor license renewals num-

bered L-1 through L-21, seconded by Council Member Brennan, which motion passed unanimously.

Mayor Spewak noted that the next meetings are scheduled for Monday, July 18th and Monday, August 15th.

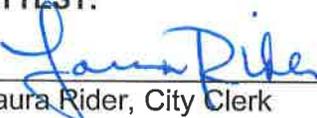
Adjournment: Council Member Hiemenz moved adjournment, seconded by Council Member Brennan, which motion passed unanimously. The meeting adjourned at 5:45 PM.

APPROVED THIS 18TH DAY OF JULY 2016.



Nancy Spewak, Mayor

ATTEST:



Laura Rider, City Clerk