

**MINUTES OF MEETING  
CITY COUNCIL OF THE CITY OF LADUE  
ST. LOUIS COUNTY, MISSOURI  
MONDAY, JULY 18, 2016**

The regular meeting of the City Council of the City of Ladue, St. Louis County, Missouri, was held on Monday, July 18, 2016, at 4:02 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  
John Howell

Absent:

Patrick Hensley

Five Council Members present.

Also present were Ms. Laura Rider, City Clerk/Assistant to the Mayor; 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. Mr. Sam Zes, Finance Director was absent.

**Approval of the Agenda:** Mayor Spewak amended the agenda by withdrawing Resolution No. 2016-05 and 2016-06 as requested by the applicant. Council Member Howell moved approval of the agenda as amended, seconded by Council Member Fox, which motion passed unanimously.

**Approval of Minutes:** Mayor Spewak asked for any amendments, corrections or clarifications to the Minutes of the Regular Meeting of June 20, 2016. Council Member Hiemenz moved approval of the Minutes of the Regular Meeting for June 20, 2016, seconded by Council Member Fox, which motion passed unanimously.

**Public Forum:** None

**Public Hearing:** The City Council will hold a public hearing on a recommendation for a Special Use Permit for MOD Pizza to operate a restaurant at 8855K Ladue Road with: (Z&P recommends approval; ZPC16-06)

- The sale of alcohol by the glass (beer and wine)
- Outdoor seating

- The use of joint parking

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

Ms. Erin Seele, City Attorney, stated that the hearing notice, the Zoning and Planning File ZPC 16-06 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 transcript of the public hearing is attached as part of the minutes.

Council Member Brennan moved approval of the Special Use Permit for MOD Pizza to operate a restaurant at 8855K Ladue Road with the sale of alcohol by the glass, outdoor seating and the use of joint parking, seconded by Council Member Fox, which motion passed unanimously.

Council Member Hiemenz moved to close the public hearing, 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 submitted by Truffles Restaurant at 9202 Clayton Road for an outdoor patio addition.**

Ms. Sukanek stated that the request is for an outdoor patio with 32 seats.

Council Member Hiemenz moved referral of the application for a Special Use Permit submitted by Truffles Restaurant at 9202 Clayton Road for an outdoor patio addition to the Zoning and Planning Commission for review and recommendation, seconded by Council Member Burroughs, which motion passed unanimously.

**Old Business: None**

**New Business:**

**Proposed Legislation:**

**Bill No. 2135 – An ordinance of the City of Ladue, St. Louis County, Missouri, clarifying the Building Department Permit Extension Procedure.**

Mayor Spewak read Bill No. 2135 for a first reading. Council Member Fox read Bill No. 2135 for a second reading.

Council Member Howell moved approval of Bill No. 2135, 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 Howell	"Aye"
Council Member Burroughs	"Aye"

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

Mayor Spewak declared Bill No. 2135 adopted as **Ordinance 2135**.

**Bill No. 2136 – An ordinance of the City of Ladue, St. Louis County, Missouri, amending Chapter 14 “Alcoholic Beverages”.**

Mayor Spewak read Bill No. 2136 for a first reading. Council Member Fox read Bill No. 2136 for a second reading.

Council Member Fox moved approval of Bill No. 2136, seconded by Council Member Burroughs and the vote thereupon was as follows:

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

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

Mayor Spewak declared Bill No. 2136 adopted as **Ordinance 2136**.

**Resolution No. 2016-07 – A resolution authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a contract with ICS Construction Services, LTD. for the demolition of the City’s existing Firehouse No. 1 and construction of a new Firehouse No. 1.**

Ms. Jen Kissinger, Construction Manager, gave an overview of the bidding process and evaluation of proposals for the demolition of the existing Firehouse No. 1 and the construction of a new Firehouse No. 1. The City received six bids and the three lowest bidders were interviewed. During the course of the interviews it became apparent that only one bidder had bid on the complete scope of work in accordance with the plans and specifications. That bidder was ICS Construction Services, LTD. Therefore, Ms. Kissinger’s recommendation is to award the demolition and construction of Firehouse No. 1 to ICS Construction Services, LTD. in the amount of \$2,997,000.00.

Council Member Brennan moved approval of Resolution No. 2016-07, seconded by Council Member Howell, which motion passed unanimously.

**Resolution No. 2016-08 – A resolution authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a contract with Geissler Roofing Company, Inc. for the removal of the existing roof and installation of a new roof on the City Hall Building and other City owned facilities.**

Ms. Rider stated that four City owned buildings; City Hall, Public Works Sign Shop, Building Department, and City Hall Annex, had sustained hail damage. The City received \$175,685.00 in insurance proceeds for replacement of the roofs. The re-roofing project notice was published and sent to five roofing companies. The City received three bids. Ms. Rider recommended that the re-roofing project be awarded to Geissler Roofing Company as the lowest and best bid in the amount of \$112,680.00.

Council Member Fox stated that Ms. Rider has requested authorization for the City Clerk and Mayor to approve additional expenses for materials as needed up to \$10,000.00 but it is his recommendation the amount should be up to \$15,000.00.

Council Member Hiemenz moved approval of Resolution No. 2016-08 with authorization for the City Clerk and the Mayor to approve additional costs for materials as needed up to \$15,000.00, seconded by Council Member Fox, which motion passed unanimously.

**Financial Matters:**

The Council reviewed the **vouchers for payment** for the month of June 2016. Council Member Fox moved their approval, seconded by Council Member Brennan, which motion passed unanimously.

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

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

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

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

**Department Reports:**

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

Ms. Kissinger stated that MSD is requiring a new sewer lateral as part of the construction of Firehouse No. 1. The sewer lateral will cross the Wallis Petroleum property adjacent to the firehouse. The City approved granting an easement to

MSD at the last Council meeting. MSD is requiring an easement from Wallis Petroleum also. In connection with granting the easement Wallis Petroleum would like to enter in to an agreement with the City for the potential remediation if contaminated soil is encountered at the excavation site on their property.

Ms. Kissinger stated that there is an insurance fund that covers remediation if contaminated soil is encountered. Wallis Petroleum would like the City to pay for the costs of remediation above that which is covered by insurance. The worst case is \$35,000.00 if the entire trench has contaminated soil. The auditor for the insurance fund has estimated that the reimbursement on that amount is \$21,000.00 leaving \$15,000.00 to be paid by the City. This amount is well within the contingency. If contaminated soil is encountered the City's contractor will load the soil and Wallis Petroleum's contractor will haul it to an authorized location. Wallis Petroleum has requested that the City not allow construction equipment east of their building.

Council Member Fox moved approval to authorize the Mayor to execute an agreement with Wallis Petroleum for possible soil remediation with costs not to exceed \$50,000.00, the City will pay the costs and be reimbursed by Wallis Petroleum up to the amount eligible through the insurance fund, the City will not allow construction equipment to traverse the area to the east of the Wallis Petroleum building, and the contract shall have applicable terms consistent with the City's form public works contract, seconded by Council Member Howell, which motion passed unanimously.

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

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

Ms. Lamitola stated that she and Ms. Sukanek developed a schedule of deadlines for zoning related applications. She stated that staff needs sufficient time to review applications prior to appearing on the agenda.

Council Member Fox moved approval of the schedule of deadlines for zoning related applications as described in the meeting packet, seconded by Council Member Burroughs, which motion passed unanimously.

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

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

**Administration/City Clerk:**

**City Attorney:** Ms. Seele had nothing new to report.

**Appointments:** None

**Liquor Licenses: None**

Mayor Spewak asked the City Clerk to contact the Council Members to determine if there will be a quorum for the August 15<sup>th</sup> meeting.

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

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

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

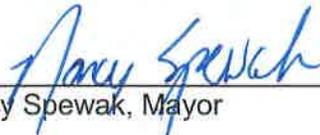
There being five aye votes and zero nay votes the motion passed unanimously.

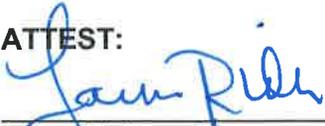
The Mayor and Council went into closed session at 5:12 PM with Ms. Erin Seele and Mr. Peter Dunne.

The Mayor and Council returned to open session at 5:44 PM with Ms. Erin Seele.

**Adjournment:** Council Member Hiemenz moved adjournment, seconded by Council Member Brennan, which motion passed unanimously. The meeting adjourned at 5:44 PM.

**APPROVED THIS 18TH DAY OF AUGUST 2016.**

  
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 Nancy Spewak, Mayor

**ATTEST:**  
  
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 Laura Rider, City Clerk