

MINUTES OF MEETING
CITY COUNCIL OF THE CITY OF LADUE
ST. LOUIS COUNTY, MISSOURI
MONDAY, SEPTEMBER 19, 2016

The regular meeting of the City Council of the City of Ladue, St. Louis County, Missouri, was held on Monday, September 19, 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 Howell
Patrick Hensley
John Fox
Harold Burroughs
William Brennan

Six Council Members present.

Also present were Ms. Laura Rider, City Clerk/Assistant to the Mayor; Mr. Sam 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.

Mayor Spewak announced that the formal ground breaking ceremony for the new Fire House No. 1 had just taken place at 2:30 p.m.

Approval of the Agenda: Council Member Burroughs moved approval of the agenda, 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 August 18, 2016. Council Member Hiemenz moved approval of the Minutes of the Regular and Closed Meetings for August 18, 2016, seconded by Council Member Burroughs, which motion passed unanimously.

Public Forum: Mr. Tony Arnold, 15 Danfield Road, distributed a handout from the Daniel Road Association regarding an update on storm water flooding and damage to personal property and resident safety. Mr. Arnold requested assistance in engaging all parties to find a solution. Mayor Spewak assured Mr. Arnold that this is at the forefront of the City's storm water initiative.

Public Hearing: The City Council will hold a Public Hearing on a recommendation submitted by the Zoning and Planning Commission that the City Council approves a Special Use Permit for Truffles Restaurant to add an outdoor patio to their existing restaurant in the Clayprice Shopping Center located at 9202 Clayton Road. (Z&P recommends approval ZPC 16-11)

Council Member Hensley stepped down from the dais and recused himself from the discussion and vote on this matter.

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

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

Ms. Erin Seele, City Attorney, stated that the hearing notice, the Zoning and Planning File ZPC 16-11 as well as the entire Code of Ordinances and Ordinance No. 1175 are entered as part of the record and are available for review.

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

Council Member Brennan moved approval of the Special Use Permit, as amended by Ms. Sukanek, for Truffles Restaurant to add an outdoor patio to their existing restaurant in the Clayprice Shopping Center located at 9202 Clayton Road, seconded by Council Member Fox, which motion passed unanimously.

Zoning & Planning Matters:

ZP-1 Referral to Zoning and Planning Commission for recommendations from the Storm Water Advisory Committee regarding development standards for storm water.

Ms. Sukanek stated that some of the topics that have been discussed by the Storm Water Advisory Sub-Committee include impervious coverage limits, storm water detention/retention and land disturbance.

Council Member Brennan moved referral of the recommendations from the Storm Water Advisory Committee regarding development standards for storm water to the Zoning and Planning Commission for review and recommendation, seconded by Council Member Howell, which motion passed unanimously.

Old Business: None

New Business:

Proposed Legislation:

Resolution No. 2016-13 – A resolution authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a contract with George L. Crawford & Associates, d/b/a CBB for traffic engineering services for a traffic signal at the entrance of the new Fire House No. 1.

Council Member Hiemenz asked Ms. Jen Kissinger, the City's Construction Manager, to confirm that the scope of work will include synchronization with the traffic signal at Price Road and study all driveways in the area.

Ms. Kissinger responded that this contract is not for construction of the traffic signal but for design services. Part of the design process will be to study all of the driveways in the immediate area and synchronize with the existing traffic signal at Price Road.

Council Member Fox moved approval of Resolution No. 2016-13, seconded by Council Member Burroughs, which motion passed unanimously.

Resolution No. 2016-14 – A resolution authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a contract with Tech Electronics, Inc. for engineering and installation of a new telephone system for the new Fire House No. 1.

Ms. Jen Kissinger stated that Tech Electronics is the same company that installed the new telephone system in Fire House No 2. This system will be an extension of the existing phone system. The expense for this contract is part of the total program budget.

Council Member Fox moved approval of Resolution No. 2016-14, seconded by Council Member Brennan, which motion passed unanimously.

Resolution No. 2016-15 – A resolution authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a contract with HR Green, Inc. for the Master Plan/Conceptual Engineering Phase of the Storm Water Management Program.

Ms. Lamitola stated that the Storm Water Advisory Committee has been meeting since April. The Committee drafted an ordinance establishing a Storm Water Control Program, which was approved by the City Council last month.

Mr. James Schiele, Chairman of the Finance Committee, asked if the cost for the Master Plan/Conceptual Engineering Phase of the Storm Water Management Program is included in the 2016 Budget. Mr. Schiele stated that this is a significant expense and cautioned that the City take this process slowly and stressed that oversight of this program is very important.

Ms. Lamitola confirmed that \$400,000 is included in the 2016 Budget for this phase of the Storm Water Management Program. Ms. Lamitola explained that the Master Plan/Conceptual Engineering Phase will take nine months. Approximately

\$175,000 will be spent in 2016, with the remainder to be spent in 2017. The total cost for this contract with HR Green is \$349,660.05.

Council Member Brennan stated that these services will be paid from the Storm Water Sales Tax Fund.

Council Member Hiemenz moved approval of Resolution No. 2016-15, seconded by Council Member Brennan, which motion passed unanimously.

Financial Matters:

The Council reviewed the **vouchers for payment** for the month of August 2016. Council Member Hensley moved their approval, seconded by Council Member Howell, which motion passed unanimously.

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

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

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

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

Department Reports:

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

Ms. Jen Kissinger reported that the demolition of the existing Fire House No. 1 is complete. Shoring between the Village Lutheran Church residential property and the Fire House property is almost finished. So far, two of the fifteen weather days built into the schedule have been used. The contractor will start on the foundation and footings next.

Council Member Fox stated that a proposal for the Change Order Process is included in the meeting packet. The process as proposed is the same process that was used for Fire House No. 2. It authorizes the Mayor, Fire Chief and City Clerk to approve up to \$25,000.00. The Fire Building Oversight Group must reach consensus approval for change orders between \$25,000.00 and \$50,000.00. All change orders will be reported to the City Council at the next meeting for ratification.

Council Member Fox moved approval of the Change Order Process for Fire House No. 1 as included in the meeting packet, seconded by Council Member Hiemenz, which motion passed unanimously.

Ms. Kissinger reported that Change Order No. 1 is for Builders Risk at a cost of \$4,596.00 and modifies the start date to August 25th due to delay of the gas disconnect and MSD permit. The project budget includes \$8,000.00 for Builders Risk. Bidders were asked to provide a cost for this. She recommends that the contractor carry Builders Risk, not the owner.

Council Member Fox moved ratification of Change Order No. 1, seconded by Council Member Howell, which motion passed unanimously.

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

Chief Wooten requested approval to purchase a 2016 Dodge Charger through the Missouri State Contract from Lou Fusz Chrysler Dodge at a cost of \$19,360.00. Chief Wooten stated that the trade-in vehicle is one of the oldest in the fleet. Marked vehicles are used for about two years. After that time, they are used as spare vehicles.

Council Member Hiemenz moved approval of the purchase of a 2016 Dodge Charger through the Missouri State Contract from Lou Fusz Chrysler Dodge at a cost of \$19,360.00, seconded by Council Member Burroughs, which motion passed unanimously.

Chief Wooten requested approval to purchase seven in-car computers from CDS Office Technologies at a cost of \$24,465.00. These computers have a four to five year service life. Four bids were received with the lowest being CDS Office Technologies.

Council Member Brennan moved approval of the purchase of seven in-car computers from CDS Office Technologies at a cost of \$24,465.00, seconded by Council Member Burroughs, which motion passed unanimously.

Chief Wooten explained that the firing range is in need of cleaning. This request is coming before the Council because it is a single source item. Best Technology Systems does complete cleaning of all surfaces in accordance with EPA regulations and will haul away and properly dispose of the sand from the sand bullet trap.

Council Member Hensley moved approval of Best Technology Systems to conduct cleaning of the Pit and Plate sand bullet trap and other parts of the firing range at a cost of \$3,605.00, seconded by Council Member Burroughs, which motion passed unanimously.

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

Ms. Lamitola presented an update on MSD's Sanitary Sewer Project. MSD is in the process of acquiring the required easements for the project. The City supplied a letter to MSD on July 1, 2016 outlining various Ladue requirements. The City has not received a response to the letter.

Ms. Lamitola reported that Missouri American Water (MAW) recently met with City representatives to provide information with regard to their ISRS program (Infrastructure System Replacement Surcharge) which allowed for MAW to fund on-going improvements such as water main replacements in St. Louis County. The law that established the program was based on population requirements in St. Louis County. Based on the 2010 Census, the population dropped below the requirement and the program was suspended. MAW has challenged this suspension and has been trying to modify state laws, but those efforts have been unsuccessful. Ladue has benefited by completed projects that were paid for by this program. One current project in Ladue is on hold due to the suspension of the program.

Ms. Lamitola stated that the Price Road project is substantially complete and the final change order has been issued. Change Order No. 5 in the amount of -\$20,595.12 modifies the contract amount to \$1,601,548.82. The original contract amount was \$1,626,364.09, therefore, the project underran by \$24,815.27.

Council Member Hiemenz moved ratification of Change Order No. 5 - \$20,595.12 for Price Road, seconded by Council Member Hensley, which motion passed unanimously.

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

There was discussion with regard to MSD's Phase I Project and the use of blasting in some communities. It was stated that MSD was given a letter with the City's requests.

Council Member Hiemenz recognized Ms. Lamitola for the many different duties that fall under her title as Director of Public Works and expressed his appreciation for all of her hard work.

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

Administration/City Clerk:

Ms. Rider stated that she is recommending changing the status of the City Planner from Consultant (independent contractor) to part-time employee.

Ms. Rider explained that the current arrangement with the City Planner is most closely aligned with the definition of employee. Some of the factors that determine status of independent contractor versus employee are behavioral control, financial control and the relationship of the parties. The City directs how, where and when the City Planner performs her work. The hourly rate of salary will remain the same. Over and above salary there will be an additional cost to the City of \$2,200.00 for Social Security and Medicare taxes.

Council Member Fox moved approval of the change of status for the City Planner from Consultant to part-time employee, seconded by Council Member Burroughs, which motion passed unanimously.

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

Appointments: Mayor Spewak requested approval of the appointments to the permanent Storm Water Advisory Committee, which will replace the Ad-hoc Committee.

Council Member Fox moved approval of the appointments of Robert Watt as Chairman, Members Maryann Rober, Tom Bowers, Lloyd Palans, Trae Meyr, and Ex-Officio Members Mayor Nancy Spewak, Director of Public Works Anne Lamitola and Council Member William Brennan to the Storm Water Advisory Committee, seconded by Council Member Hensley, which motion passed unanimously.

Liquor License: An application from MOD Pizza, 8855 Ladue Road, for a liquor license to sell intoxicating liquors by the drink on the premises and Sunday sales.

Council Member Fox moved approval of the liquor license for MOD Pizza, 8855 Ladue Road, seconded by Council Member Hiemenz, which motion passed unanimously.

Mayor Spewak noted that the next meetings are scheduled for October 17th at 4:00 p.m. and November 21st at 3:00 p.m. (Budget Workshop) followed by the Regular Council Meeting at 4:00 p.m.

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 Fox 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 Hensley, and the vote thereupon was as follows:

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

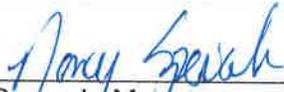
There being six aye votes and zero nay votes the motion passed unanimously.

The Mayor and Council went into closed session at 5:15 PM with Ms. Erin Seele.

The Mayor and Council returned to open session at 5:28 PM with Ms. Erin Seele.

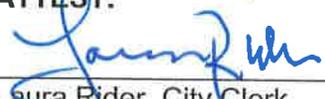
Adjournment: Council Member Fox moved adjournment, seconded by Council Member Hensley, which motion passed unanimously. The meeting adjourned at 5:28 PM.

APPROVED THIS 17TH DAY OF OCTOBER 2016.



Nancy Spewak, Mayor

ATTEST:



Laura Rider, City Clerk