

**MINUTES OF MEETING
CITY COUNCIL OF THE CITY OF LADUE
ST. LOUIS COUNTY, MISSOURI
MONDAY, OCTOBER 21, 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, October 21, 2013, at 4:00 p.m., at the City Hall, 9345 Clayton Road. The following were present:

The Hon. Nancy Spewak, Mayor, presiding.

Members of the Council present:

A. Charles Hiemenz, III
Art Bond
Walter G. Stern
John R. Fox
William Brennan
Hal Burroughs (arrived 4:05 PM)

Six Council Members present.

Also present were Michael W. Wooldridge, City Clerk/Assistant to the Mayor; Mr. Rick Jett, Finance Director; Fire Chief John Bailot; Jeff Johnson, Assistant Fire Chief; Police Chief Rich Wooten; Ms. Anne Lamitola, Public Works Director; Mr. Mike Gartenberg, Building Official; Mr. James Schmieder, Building Department; Mr. James Schiele, Chairman – Finance, Revenue, and Taxation Committee; Mr. John Maupin, City Attorney.

Approval and Adoption of the Agenda:

Council Member Fox moved the adoption of the agenda amended to include approval of an amendment to the Landmark Construction Services Contract to include project cost estimates for the construction of firehouse #1, and approval of a project budget for firehouse #2 construction, 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 Brennan	“Aye”

The motion was passed unanimously.

Approval of Minutes: Mayor Spewak asked for any amendments, corrections or clarifications to the Minutes of the Regular and Closed Meeting of September 17, 2013. Council Member Hiemenz moved approval of the Minutes, 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"

The motion was passed unanimously.

(Council Member Burroughs arrived 4:05 PM)

Public Forum: Dawn Trautman, 18 Ladue Ridge, and Teresa Jacobs, 19 Woodcrest, complained about the fence erected at 21 Ladue Ridge.

Committee Report: (none)

Public Hearings:

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 of Old Warson Country Club, 9841 Old Warson Road, to construct an outside roof deck addition (ZPC 13-07).

The Hearing will be held at 4:00 p.m., or as soon thereafter as the matter may be properly heard, on Monday, October 21, at the 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.

Pursuant to Section 610.022 RSMo., the City Council could vote to close the public meeting and move to executive session to discuss matters relating to litigation, legal actions and/or communications from the City Attorney as provided under section 610.021 (1) RSMo.

Michael W. Wooldridge
City Clerk

Council Member Stern moved to open 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	"Aye"

Mr. Holt Tipton from Musick Construction presented the proposed roof top deck project to the Council on behalf of Old Warson Country Club. He stated the deck will be on the roof of the new tee house and accommodate less than 50 people.

Mr. Wooldridge advised that the Planning and Zoning Commission voted 6 to 0 at their meeting of September 25, 2013, to recommend approval of this application. Mr. Wooldridge reviewed the conditions recommended by the Zoning and Planning Commission:

1. Any patio lighting must be shielded and the illumination must not exceed ½ foot-candle at the property line along Old Warson Road.
2. Occupancy shall be limited to 50 persons.
3. Existing trees and vegetation must be preserved to ensure that there is no loss in coverage.
4. The applicant shall comply with all city ordinances regarding the discharge of storm water on the property. Storm water management plans prepared by the applicant shall be approved by the Metropolitan St. Louis Sewer District and the City 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.
5. All trucks leaving the property shall be cleaned of mud; contractors must clean any mud tracked onto Old Warson Road whenever needed and at a minimum on a weekly basis.
6. The construction permit, when issued, shall be valid for a 6-month period from the date of issuance.
7. The use of amplified sound and/or musical instruments shall comply with the Ladue Code of Ordinances Section 58-2 (2).

Council Member Stern moved to close the public hearing; Council Member Burroughs 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 Burroughs	"Aye"
Council Member Brennan	"Aye"

Council Member Hiemenz moved approval of the recommendation of the Zoning and Planning Commission. 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 Burroughs	"Aye"
Council Member Brennan	"Aye"

The motion was passed.

Old Business: (none)

Zoning and Planning Matters: (none)

Proposed Legislation:

Bill 2069 an ordinance amending the Ladue Code of Ordinances by amending Section 62-151 regarding unlawful use of weapons.

Mr. Maupin explained that the two amendments will more closely align the city ordinance with state statute and provide clearer language about the discharge of firearms in the city.

Council Member Stern moved the introduction of Bill 2069, seconded by Council Member Burroughs, which motion passed unanimously.

Council Member Stern moved the first reading of Bill 2069, seconded by Council Member Burroughs, which motion passed unanimously.

Council Member Hiemenz moved the second reading of Bill 2069, seconded by Council Member Burroughs, which motion passed unanimously.

Council Member Stern moved adoption of Bill 2069, 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 Brennan	"Aye"
Council Member Burroughs	"Aye"

The motion was passed unanimously.

Mayor Spewak declared Bill 2069 adopted as **Ordinance 2069**.

Bill 2070 an ordinance amending the Zoning Ordinance 1175, Section IV, C, (14) relating to trustee notification of a fence permit application.

Mr. Wooldridge stated that the Ladue Zoning Code 1175 requires that a homeowner notify the trustees of the subdivision by certified mail when application for a fence permit is made. He stated that this requirement has been the subject of numerous complaints because of the need to go to the post office to sign for the notification. The proposed amendment will require proof of the notification presented to the Building Official before any permit is granted. The notification may take the form of a copy of the letter sent to the trustees by first class mail or the trustees signature on the fence plan.

Council Member Hiemenz moved the introduction of Bill 2070, seconded by Council Member Stern, which motion passed unanimously.

Council Member Stern moved the first reading of Bill 2070, seconded by Council Member Hiemenz, which motion passed unanimously.

Council Member Stern moved the second reading of Bill 2070, seconded by Council Member Fox, which motion passed unanimously.

Council Member Hiemenz moved adoption of Bill 2070, 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	"Aye"

The motion was passed unanimously.

Mayor Spewak declared Bill 2070 adopted as **Ordinance 2070**.

Resolution 2013-05 a resolution establishing fee policies and procedures for fees and billing of emergency ambulance transport services provided by the City of Ladue.

Chief Bailot reported that the last fee increase was 2009. He stated the proposed rates are based on a service tier basis (Basic Life Support, Advanced Life Support 1 & 2), which results in a flat fee plus mileage charge.

Council Member Stern asked if the mileage calculation was separate from the flat service fee. Chief Bailot stated the two are calculated as different fees.

Council Member Bond inquired if different fee structures are used. Chief Bailot advised that some agencies use an "ala carte" structure charging for each procedure performed.

Council Member Stern moved the adoption of Resolution 2013-05, 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 Brennan	"Aye"
Council Member Burroughs	"Aye"

The motion was passed unanimously.

Mayor Spewak declared Resolution 2013-05 adopted.

Financial Matters:

The Council reviewed the **vouchers for payment** for the month of September 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 September 2013. The Mayor ordered the reports filed for information.

The Mayor and Council reviewed the financial statements for September 2013. The Mayor ordered the reports filed for information.

The Mayor and Council reviewed the cash flow summary for September 2013. The Mayor ordered the report filed for information.

The Mayor and Council reviewed the Land & Lots Delinquent Tax List for September 2013. The Mayor ordered the report filed for information.

Department Reports:

Fire Department: The Mayor and Council reviewed the Fire Department Activity Report for September 2013.

Approval of a contract with Laynco Construction Services for the construction of Firehouse #2 at a cost of \$2,098,750.00.

Mr. Dick Smith, owner's representative – Landmark Construction Services, reported that 10 bids were received for the construction of firehouse #2. He recommended that the bid of \$2,098,750 from Layneco Construction Services be accepted. He further recommended that the project budget for firehouse #2 should be set at \$2,735,418. Mr. Smith stated the bid was submitted with no qualifications.

Mayor Spewak asked what items in the project contributed to the increased costs. Mr. Smith advised the increased costs can be attributed to:

1. Additional contingency costs;

2. Increased square footage costs;
3. Signalization and generator costs;
4. Design and engineering fees; and,
5. Construction manager costs.

Council Member Hiemenz stated that the matter of funding options for firehouse #1 & #2 should be referred back to the Finance Committee. He explained that the revised estimates for construction are different than in 2012 and the committee should have the opportunity to review their recommendation on project funding.

Council Member Hiemenz moved to accept the bid, which shall include value engineering options, from LayneCo Construction Services, for the reconstruction of Firehouse #2, located at 9911 Clayton Road, at a cost of \$2,098,750, with a total project cost for Firehouse 2 not to exceed \$2,735,418. And, that the matter of financing the reconstruction of both Firehouse #1 and #2 be referred to the Finance Committee to review all funding options for the project in its entirety. 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 Burroughs	"Aye"
Council Member Brennan	"Aye"

The motion was passed unanimously.

Council Member Fox moved that the City hire Dick Smith, Landmark Construction Services, at a cost not to exceed \$6,917.00 to provide a project cost estimate for the construction of Firehouse #1, located at 9213 Clayton Road, to determine an estimated total project budget for Firehouse #1 based upon the initial design drawings from Chiodini Architects. 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 Burroughs	"Aye"
Council Member Brennan	"Aye"

The motion was passed unanimously.

Mayor Spewak recognized the committee and Mr. Wooldridge for their work on the Firehouse #2 project.

Approval of an agreement with Mercy Hospital St. Louis appointing Dr. John Wilmas as the Medical Director for the Ladue Fire Department EMS operations.

Chief Bailot recommended entering into an agreement with Mercy Hospital St. Louis for Dr. John Wilmas to become the Medical Director for the Ladue Fire Department. He stated that the current agreement is with Missouri Baptist Hospital. Chief Bailot advised the agreement provides for the service at no cost to the city and additional training not available through the current contract with Missouri Baptist Hospital.

Council Member Stern moved to approve the recommendation of Chief Bailot and enter into the agreement with Mercy Hospital St. Louis; 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 Burroughs	"Aye"
Council Member Brennan	"Aye"

The motion was passed unanimously.

Approval of an ambulance transport – billing waiver (hardship) policy.

Chief Bailot requested approval of an ambulance transport – billing waiver policy. He stated the waiver would waive or reduce ambulance fees upon request based on guidelines related to the Health and Human Services Poverty Guidelines for those persons transported by Ladue Fire Department EMS.

Council Member Bond moved to approve the billing waiver policy; seconded by Council Member Brennan, 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 Brennan	"Aye"

The motion was passed unanimously.

Approval of an ambulance bills – collection agency process policy.

Chief Bailot presented an ambulance bill – collection agency process policy for review and approval. Chief Bailot advised the policy provides the guidelines necessary to forward unpaid ambulance bills to an agency for collection.

Council Member Stern moved to approve the collection agency process policy; 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 Brennan	"Aye"

The motion was passed unanimously.

Approval to retain EMS Management & Consultants (EMS / MC) as the City's EMS billing agent.

Chief Bailot asked for approval to retain EMS/MC as the ambulance billing agent for the city. He stated that ProClaims has been the current billing agent since 2006. He advised that proposals were sought from 13 bidders with two responses received. Chief Bailot reviewed the services provided and noted that EMS/MC will charge 4.9% fee on net collections compared to ProClaims at a cost of 7.5% on net collections.

Council Member Stern moved to approve the bid of EMS/MC and authorize negotiation of a contract with EMS/MC; seconded by Council Member Brennan, 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 Brennan	"Aye"

The motion was passed unanimously.

Police Department: The Mayor and Council reviewed the Police Activity Report for the period January 1, 2013, through September 30, 2013.

Chief Wooten requested approval for the purchase of one new police vehicle from Lou Fusz Dodge at a net cost of \$15,642.00.

Council Member Stern moved to approve the purchase of one Dodge Charger from Lou Fusz Dodge at a cost, net of trade, of \$15,642.00; 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 Burroughs	"Aye"
Council Member Brennan	"Aye"

The motion was passed unanimously.

Chief Wooten reviewed recent criminal incidents and the Detective Bureau arrest of an armed robbery suspect involved in an Olivette incident.

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

Ms. Lamitola requested acceptance of the low bid from Lamke Trenching and Excavation at a cost of \$50,561.00 for the Old Warson Drainage Project.

Council Member Fox moved approval of the contract with Lamke Trenching and Excavation at \$50,561.00, 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 Burroughs	"Aye"
Council Member Brennan	"Aye"

The motion was passed unanimously.

Municipal Court: The Mayor and Council reviewed the Municipal Court Report for September 2013. The Mayor ordered the report filed for information.

Administration/City Clerk.

The Mayor and Council reviewed the building department report for September 2013. Year-to-date 181 reportable permits were issued for a construction value of \$43.36 million.

Mr. Maupin reported that the Missouri Court of Appeals heard the matter of White vs. Ladue. A decision by the court is not expected for four to six weeks.

Mr. Maupin advised that the City has been named a defendant in a suit, The Marilyn G. Lipton Revocable Trust vs. Gregory F. Wolfner, et al. He stated the case involves a property dispute between Lipton and Wolfner, and a building permit application to the City, which was not approved.

Appointments: (none)

Liquor Licenses: Mayor Spewak noted two (2) liquor licenses were due for renewal or issuance:

An application for a liquor license by Lester's, 9906 (A) Clayton Road, for renewal of a license (B & G) 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 for a liquor license by Extra Virgin an Olive Ovation, 8829 Ladue Road, for a license (Class D & G) to sell wine in the original package not to be consumed on the premises were sold with Sunday sales. The report from the police department finds no reason why the license should not be issued.

Council Member Stern moved that the liquor license application and renewal be approved, 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 Burroughs	"Aye"
Council Member Brennan	"Aye"

The motion was passed by a unanimous vote.

Adjournment: The next meetings were scheduled for November 18 and December 16, 2013.

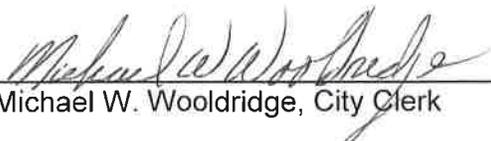
Council Member Bond moved adjournment, seconded by Council Member Stern, which motion passed unanimously. The meeting adjourned at 5:45 PM.

APPROVED THIS 18th DAY OF NOVEMBER 2013.



Nancy Spewak, Mayor

ATTEST:



Michael W. Wooldridge, City Clerk