

**MINUTES OF MEETING  
CITY COUNCIL OF THE CITY OF LADUE  
ST. LOUIS COUNTY, MISSOURI  
MONDAY, NOVEMBER 18, 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, November 18, 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  
Art Bond  
Walter G. Stern  
John R. Fox  
Harold Burroughs  
William Brennan

Six Council Members present.

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

**Approval and Adoption of the Agenda:** Council Member Stern moved the adoption of the agenda amended to include approval of a builder's risk insurance policy during the construction of firehouse #2, seconded by Council Member Bond and the vote thereupon was as follows:

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

The motion was passed unanimously.

**Approval of Minutes:** Mayor Spewak asked for any amendments, corrections or clarifications to the Work Session and Regular Meetings of October 16 and 21, 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 Fox	"Aye"
Council Member Stern	"Aye"
Council Member Brennan	"Aye"
Council Member Burroughs	"Aye"

The motion was passed unanimously.

**Public Forum:** Mr. George Fonyo, 9758 Litzsinger Road, thanked the City for having Litzsinger Road resurfaced from Overbrook Dr. to S. Lindbergh Blvd.

**Public Hearing:** (none)

**Zoning and Planning Matters:**

Request by The Woman's Exchange, 8811 Ladue Road, for a special use permit to serve liquor by the drink.

Council Member Stern moved that the request be referred to the Zoning and Planning Commission for review and recommendation. 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 Fox	"Aye"
Council Member Stern	"Aye"
Council Member Brennan	"Aye"
Council Member Burroughs	"Aye"

The motion was passed unanimously.

Request by Sweetology, 9214 Clayton Road, for a special use permit to serve liquor by the drink.

Council Member Hiemenz moved that the request be referred to the Zoning and Planning Commission for review and recommendation, including a condition that no liquor is served prior to 11:00 AM. 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 Fox	"Aye"
Council Member Stern	"Aye"
Council Member Brennan	"Aye"
Council Member Burroughs	"Aye"

The motion was passed unanimously.

Request by John Burroughs School, 755 S. Price Road, for an amendment to their special use permit for improvements to their baseball field facility.

Council Member Stern moved that the request be referred to the Zoning and Planning Commission for review and recommendation. 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 Fox	"Aye"
Council Member Stern	"Aye"
Council Member Brennan	"Aye"
Council Member Burroughs	"Aye"

The motion was passed unanimously

**Proposed Legislation:**

**Bill 2071** - an ordinance calling for an election to be held in the City of Ladue on Tuesday, April 8, 2014, for three Alderman (Councilman).

Council Member Stern moved the introduction of Bill 2071, seconded by Council Member Fox, which motion passed unanimously.

Council Member Hiemenz moved the first reading of Bill 2071 seconded by Council Member Stern, which motion passed unanimously.

Council Member Stern moved the second reading of Bill 2071; seconded by Council Member Brennan, which motion passed unanimously.

Council Member Stern moved adoption of Bill 2071, 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 by a unanimous vote.

Mayor Spewak declared Bill 2071 adopted as **Ordinance 2071**.

**Bill 2072** – an ordinance amending the Ladue Code of Ordinances Section 14-45 by increasing the number of Class B licenses to nine.

Mr. Wooldridge explained that the municipal code limits the number of Class B licenses to eight. Currently seven licenses are issued and two license applicants submitted their applications simultaneously.

Council Member Fox moved the introduction of Bill 2072, seconded by Council Member Stern, which motion passed unanimously.

Council Member Stern moved the first reading of Bill 2072 seconded by Council Member Burroughs, which motion passed unanimously.

Council Member Stern moved the second reading of Bill 2072; seconded by Council Member Burroughs, which motion passed unanimously.

Council Member Hiemenz moved adoption of Bill 2072, 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 by a unanimous vote.

Mayor Spewak declared Bill 2072 adopted as **Ordinance 2072**.

**Bill 2073** - an ordinance approving the Johnston Acres Lots A & B lot consolidation plat.

Mr. Wooldridge explained the proposed plat consolidates two lots at 20 Upper Ladue Road. One of the lots is a legal, non-conforming flag lot.

Council Member Hiemenz moved the introduction of Bill 2073, seconded by Council Member Stern, which motion passed unanimously.

Council Member Stern moved the first reading of Bill 2073 seconded by Council Member Burroughs, which motion passed unanimously.

Council Member Burroughs moved the second reading of Bill 2073; seconded by Council Member Stern, which motion passed unanimously.

Council Member Hiemenz moved adoption of Bill 2073, 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 Burroughs	"Aye"
Council Member Brennan	"Aye"

The motion was passed by a unanimous vote.

Mayor Spewak declared Bill 2073 adopted as **Ordinance 2073**.

**Bill 2074** - an ordinance approving a contract with the Missouri Department of Transportation for the maintenance of traffic signal equipment at Ladue Road and I-170.

Ms. Lamitola explained that intersection improvements at Ladue Rd. and I-170 include traffic signal replacement. This contract provides that the City of Ladue will be responsible for the paint maintenance of these signals since the traffic standards will be powder coated black.

Council Member Burroughs moved the introduction of Bill 2074, seconded by Council Member Hiemenz, which motion passed unanimously.

Council Member Stern moved the first reading of Bill 2074 seconded by Council Member Brennan, which motion passed unanimously.

Council Member Stern moved the second reading of Bill 2074; seconded by Council Member Burroughs, which motion passed unanimously.

Council Member Hiemenz moved adoption of Bill 2074, 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 by a unanimous vote.

Mayor Spewak declared Bill 2074 adopted as **Ordinance 2074**.

#### **Financial Matters:**

The Council reviewed the **vouchers for payment** for the month of October 2013. Council Member Stern moved their approval, seconded by Council Member Fox, which motion passed unanimously.

Mr. Jett presented bids from four firms for a builder's risk insurance policy during the construction of firehouse #2. He reported the project owner (Ladue) is required to obtain this coverage.

Council Member Stern inquired if the existing building had flood insurance coverage. Mayor Spewak advised that firehouse #2 was fully insured including earthquake and flood coverage.

Council Member Stern moved to approve the purchase of builder's risk insurance policy at a cost of \$6,180.00 from OneBeacon Midwest Insurance Co. and requested Mr. Jett investigate if a \$10,000.00 deductible instead of \$5,000.00 deductible is appropriate; seconded by Council Member Bond and the vote thereupon was 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.

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

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

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

The Mayor and Council reviewed the Land and Lot Delinquent Report for October 2013.

The Mayor order the report filed for information.

### **Department Reports**

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

Chief Bailot advised that firehouse #2 was demolished and removal of the debris is proceeding. He noted that Mr. Paul Belmont and his company assisted in the erection of the temporary garage at the mulch site for the House #2 pumper.

**Police Department:** The Mayor and Council reviewed the Police Activity Report for the period January 1, 2013, through October 31, 2013. The Mayor ordered the report filed.

Chief Wooten introduced a recently hired Police Officer, Johnny Gunn, to the Mayor and City Council.

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

Ms. Lamitola reviewed recent change orders to the Litzsinger Road improvement project. She stated that extra excavation was required at a cost of \$5,545.92, and extra rock removal was required at a cost to be determined.

Ms. Lamitola requested approval of a three year contract with contractor's and Municipal Sweeping at an annual cost of \$4,556.00. Ms. Lamitola stated this cost is greatly reduced from the current cost because of a reduction to the sweeping schedule. The new contract requires all streets with curbs to be swept one time per month. Streets with no curbs will be swept quarterly. She advised this schedule seems to be the standard compared with other communities.

Council Member Bond moved to approve the three year contract with Contractor's and Municipal Sweeping at an annual cost of \$4,556.00; 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	"Aye"

The motion was unanimously passed.

Ms. Lamitola requested approval of a contract with Reitz & Jens for the development of a storm water pollution prevention plan for the City's mulch site a cost not to exceed \$5,000.00.

Ms. Lamitola explained that the site improvements scheduled in 2014 require an updated plan according to Missouri Department of Natural Resources regulations. She advised that Reitz & Jens is well qualified to update the current plan.

Council Member Fox moved to approve the contract with Reitz and Jens for an updated stormwater pollution prevention plan at a cost not to exceed \$5,000.00. 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	"Aye"

The motion was unanimously passed.

**Municipal Court:** The Mayor and Council reviewed the Municipal Court Report for the month of October 2013. The Mayor ordered the report filed.

**Administration/City Clerk.**

The Mayor and Council reviewed the building department report for October 2013. Year-to-date 197 reportable permits were issued for a construction value of \$50.1 million. Mayor Spewak ordered the report filed.

Mr. Wooldridge advised that Hennessey' Development requested a six month building permit extension at 23 Oakleigh Lane (#68041).

Council Member Fox moved to approve the building permit extension for six months at 23 Oakleigh Lane. 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	"Aye"

The motion was unanimously passed.

Mr. Wooldridge requested approval for the City to enter into agreements with REJIS and Forte for services related to credit card payment for municipal court fines and costs. He advised that the municipal court is receiving requests to pay fines by credit card. Mr. Wooldridge stated the payment system will be internet based and a violator can pay the fine by credit card from any location with an internet connection. The credit card processing fee will be 5.5% which is split between Forte and REJIS. No costs will be incurred or paid by Ladue.

Mayor Spewak commended City Hall staff members, Stephanie Davenport and Shelly Benson, for their work on this project.

Council Member Stern moved approval to enter into agreements with REJIS and Forte for credit card processing. 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 Brennan	"Aye"
Council Member Burroughs	"Aye"

The motion was unanimously passed.

**Appointments:** (none)

**Liquor Licenses:**

An application from St. Louis Country Club, 400 Barnes Road, for renewal of their liquor license (Class C & G) to sell intoxicating liquor by the drink for consumption on the premises with Sunday sales under name of a new licensee.

Council Member Stern moved to approve the liquor license request by St. Louis Country Club for Class C & G licenses. The motion was 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 Brennan	"Aye"
Council Member Burroughs	"Aye"

The motion was unanimously passed.

**Adjournment:** Mayor Spewak stated the next regular meetings will be December 16, 2013, and January 21, 2013.

Mayor Spewak advised there were items for discussion in executive session involving personnel matters under RSMo. Section 610.021 (3).

Council Member Bond moved to go into closed session for discussion of personnel matters as provided under RSMo. 610.021; seconded by Council Member Fox, and the vote thereupon was as follows:

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

The motion was passed unanimously.

(The Mayor and Council went into closed session at 4:45 PM with Mr. Maupin).

Council Member Stern moved to return to open session, seconded by Council Member Brennan, and the vote thereupon was as follows:

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

The motion was passed unanimously.

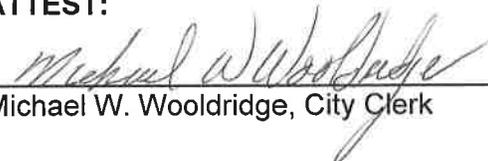
(returned to open session at 5:45 PM)

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

**APPROVED THIS 16<sup>th</sup> DAY OF DECEMBER 2013.**

  
\_\_\_\_\_  
Nancy Spewak, Mayor

**ATTEST:**

  
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Michael W. Wooldridge, City Clerk