

**MINUTES OF MEETING
CITY COUNCIL OF THE CITY OF LADUE
ST. LOUIS COUNTY, MISSOURI
MONDAY, OCTOBER 19, 2015, 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 19, 2015, at 4:00 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
William Brennan
Harold Burroughs

Six Council Members present.

Also present were Ms. Laura Rider, Assistant to the Mayor/City Clerk; Police Chief Rich Wooten; Fire Chief Steve Lynn, Ms. Anne Lamitola, Public Works Director; Mr. William Penney, Building Official and Mr. John Maupin, City Attorney.

Approval of the Agenda:

Council Member Howell moved approval of the agenda, seconded by Council Member Fox and the vote thereupon was as follows:

Council Member Hiemenz	"Aye"
Council Member Howell	"Aye"
Council Member Hensley	"Aye"
Council Member Fox	"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 Minutes of the Regular Meeting of September 21, 2015 and Special Meeting of September 29, 2015. Council Member Hiemenz moved approv-

al of the Minutes of the Regular Meeting as submitted for September 21, 2015 and Special Meeting of September 29, 2015, seconded by Council Member Brennan and the vote thereupon was as follows:

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

The motion was passed unanimously.

Public Forum:

Mr. Ken Bressler, Trustee of Graybridge Meadows, addressed the Mayor and Council regarding a lot in the subdivision where many trees were removed prior to permit approval. Mayor Spewak noted that with new construction the owner will be required to mitigate the situation with a landscape plan; which will be reviewed and approved by the City's landscape architect.

Ms. Margaret Baldwin, #1 Dromara Road, addressed the Mayor and Council regarding the potential danger posed by deer darting on roadways.

Mr. Lucien Fouke, 66 Briarcliff, expressed his concerns regarding excessive deer population and a coyote in a yard on Ridgewood.

Public Hearing: None

Old Business: None

Zoning and Planning Matters: Application for Special Use Permit by St. Peter's Episcopal Church, 110 N. Warson Road, to construct a concealed cellular telephone antenna within a church spire (replace existing spire with new spire approximately 12' taller with compatible appearance).

Council Member Fox moved referral of the Application for Special Use Permit by St. Peter's Episcopal Church to construct a concealed cellular telephone an-

tenna within a church spire to the Zoning and Planning Commission for review and recommendation, seconded by Council Member Howell, which motion passed unanimously.

New Business:

Proposed Legislation: Bill No. 2116 - An ordinance amending certain provisions of the City of Ladue, Missouri, Municipal Code of Ordinances to comply with Missouri Senate Bill No. 5, relating to penalties, court procedures and speeding violations.

John Maupin, City Attorney, explained that Senate Bill No. 5 passed at the last legislative session. Senate Bill No. 5 prohibits an additional penalty for failure to appear for minor traffic violations. Bill No. 2116 brings the Ladue ordinance into compliance.

Council Member Brennan moved the introduction of Bill 2116, seconded by Council Member Fox, which motion passed unanimously.

Council Member Burroughs moved the first reading of Bill 2116, seconded by Council Member Hensley, which motion passed unanimously.

Council Member Howell moved the second reading of Bill 2116, seconded by Council Member Brennan, which motion passed unanimously.

Council Member Hiemenz moved adoption of Bill 2116, seconded by Council Member Hensley, and the vote thereupon was as follows:

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

The motion was passed unanimously.

Mayor Spewak declared Bill 2116 adopted as **Ordinance 2116**.

Financial Matters:

Council Member Brennan complimented Ms. O'Guinn, Finance Director, on the excellent job on the financial summary and reports.

The Mayor and Council reviewed the vouchers for payment for the month of September 2015. Council Member Fox 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 September 2015. The Mayor ordered the reports filed for information.

The Mayor and Council reviewed the Financial report for September 2015. The Mayor ordered the report filed for information.

The Mayor and Council reviewed the Cash Flow Summary for September 2015. The Mayor ordered the report filed for information.

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

Department Reports:

Fire Department: The Mayor and Council reviewed the Fire Department Activity Report for September 2015. The Mayor ordered the report filed.

Fire Chief Lynn stated that the pump on the reserve truck failed and is in need of repair. It is the original pump and the seals are worn. Therefore, it is unable to hold the water capacity that is needed. There are two local reputable companies that are able to perform the repair which includes a ninety day warranty. Fire Chief Lynn requested approval of the pump repair on 3990 by Banner Fire Equipment Inc. at a cost of \$9,656.20.

Council Member Fox moved approval of the pump repair on 3990 by Banner Fire Equipment Inc. at a cost of \$9,656.20, seconded by Council Member Howell, which motion passed unanimously.

Council Member Fox gave an update on Firehouse #1. He stated that the Oversight Committee met with Paric and Chiodini on October 7th to review the de-

sign revisions. The revisions were made with input from the Fire Chief and firefighters based on improvements on House #2. Paric will provide a project cost estimate for the Oversight Committee on October 28th. The estimate will go to the Finance Committee at their next meeting, then to the City Council. Council Member Hienmenz asked if there will be a mezzanine. Council Member Fox replied yes, there will be a mezzanine. House #1 is about 20% larger than House #2 due to the ambulance, administrative offices and extra space in the apparatus bay.

Police Department: The Mayor and Council reviewed the Police Activity Report for the period January 1, 2015 through September 30, 2015. The Mayor ordered the report filed.

Public Works: The Mayor and Council reviewed the Public Works report for September 2015. The Mayor ordered the report filed.

Ms. Laurel Harrington, of Christner, presented the changes to the concept plan for the Clayton/Warson Beautification Project. Ms. Harrington stated that the decorative metal panels have been eliminated. A stone veneer wall has been added. The wall, at four feet tall, provides an attractive edge and serves as a retaining wall because the lower area floods. There are also large planters, six feet in diameter, similar to the planters placed along roadways in Ladue. Tall evergreens and the wall will define the pedestrian use. Trail opportunities have not changed.

Ms. Harrington stated that the cost estimate for the project at the Clayton/Warson intersection is \$740,000.00. The potential funding source available is Transportation Alternatives Program (TAP). This is reimbursable funding up to 80%. Applications are due at the beginning of December. This will be a very competitive round for grants. Ms. Lamitola stated that she recommends applying for only one project, under I-64 at S. Outer 40, because there are no pedestrian facilities there now. The chances for award will be greater because of this. The City may be able to apply for a Municipal Parks Grant for the trail site.

Council Member Hiemenz asked Ms. Lamitola if the City intended to proceed with this project if TAP funding was not awarded for this project. Ms. Lamitola stated that the project would not proceed without TAP funding.

Council Member Hiemenz asked if the City will have an opportunity to establish a maintenance agreement with MoDOT for this area. Ms. Lamitola responded that the City may be able to amend the current I-64 agreement.

Council Member Hensley inquired about utilities in the area. Ms. Lamitola explained that there are various utilities in the area but the bridge poses the biggest challenge. The City will need to look at storm water drainage issues also.

Mr. Mark Raterman and Mr. Robert Watt, members of the Public Works Committee, expressed their support of this project. They stated they are excited about the plan as it will reconnect the neighborhoods and benefit the businesses.

Mrs. Margaret Baldwin stated that, in her opinion, the sound wall at Clayton and Warson should be extended as part of this project. Ms. Lamitola indicated that this request could be presented to MoDOT.

Council Member Brennan moved approval of the concept plan for the Clayton/Warson/South 40 project, seconded by Council Member Howell, which motion passed unanimously.

Ms. Lamitola stated that the packet included a fee proposal from Christner in the amount of \$5,500.00 for TAP application preparation. There is an application fee of .5% of the project amount that is refundable if the City is not awarded the grant.

Council Member Brennan moved approval of the Christner proposal to complete the TAP funding application in the amount of \$5,500.00, seconded by Council Member Fox, which motioned passed unanimously.

Ms. Lamitola explained that Missouri American Water Company will be replacing water mains on Clayton Road at Magnolia, Waverton and Log Cabin. They have requested the allowance of overnight work. This falls outside of the City's noise ordinance so Council approval is required. Overnight work was allowed previously with the I-64 improvements. The City Street Superintendent is recommending overnight work for the least amount of inconvenience to residents and those traveling in these areas.

Council Member Brennan moved approval to allow Missouri American Water Company to work overnight to replace water mains on Clayton Road at Magnolia, Waverton and Log Cabin, seconded by Council Member Burroughs, which motion passed unanimously.

Building Office Report: The Mayor and Council reviewed the Building Office report for September 2015. The Mayor ordered the report filed.

Building Permit Extensions: Mr. Penney reported that he met with staff regarding the timing of the permit expirations. He advised that staff will get better estimates of project duration at the time the permit is issued.

Council Member Fox moved approval of the building permit extensions for:

1. 2 Briarcliff Street, Permit #069847, extended to January 15, 2016.
2. 10 Fielding Road, Permit #069912, extended to November 27, 2015.
3. 9868 Northbridge Road, Permit #150029, extended to October 27, 2015.
4. 3 Stoney Brook Lane, Permit #155080, extended to December 1, 2015.
5. 33 Woodcrest Drive, Permit #140435, extended to November 23, 2015.
6. 19 Saint Andrews Drive, Permit #140477, extended to April 1, 2016.
7. 1751 North Woodlawn Avenue, Permit #150084, extended to December 30, 2015.

seconded by Council Member Brennan, which motion passed unanimously.

Municipal Court: The Mayor and Council reviewed the Municipal Court Report for September 2015. The Mayor ordered the report filed.

Administration/City Clerk: Ms. Rider stated that due to an increase in the number of complaints regarding deer overpopulation a summary of information was included in the packet. Among this information is a copy of the Missouri Department of Conservation presentation on Suburban Deer Management in Missouri and a cost estimate for distance sampling (spotlight counts) to estimate deer densities. If the Council would like to get a population estimate the Missouri Department of Conservation recommends using White Buffalo, Inc. White Buffalo Inc. could provide two biologists to conduct the count over four nights at a cost of \$8,000.00. If the City could provide a volunteer to work with one biologist the cost could be reduced to \$4,000.00. To keep these costs, the count would need to be conducted during the last three weeks of January while White Buffalo Inc. is working in Town and Country.

Council Member Howell questioned if a count is necessary and if it is wise to spend \$8,000.00 to find out the City does not have a deer population problem. Mayor Spewak stated that if the count shows that the City does not have a problem then the City will work with residents to educate about feeding and deterring deer. Whatever the results, the City must determine if the threshold is tolerable or not, based on existing conditions. Several options for controlling the deer population were discussed.

It was determined to get information from Town and Country about their deer population control efforts and to place \$8,000.00 in the 2016 budget. This expense will be discussed further at the budget workshop.

The City Attorney had nothing to report.

Appointments: There were no appointments.

Liquor Licenses:

An application from Lester's, 9906 Clayton Road, for renewal of their license to sell intoxicating liquors by the drink on the premises, with Sunday sales.

Council Member Fox moved approval of the liquor license for Lester's, 9906 Clayton Road, seconded by Council Member Hensley, and the vote thereupon was as follows:

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

The motion was passed unanimously.

Mayor Spewak noted that the next meetings are scheduled for November 16th at 3:00 p.m. (Budget Workshop) followed by the Regular Council Meeting at 4:00 p.m. and December 21st.

Mayor Spewak advised there were items for discussion in executive session involving confidential communications between the Council and its attorneys under RSMo. Section 610.021 (1) so that Council members could ask questions of its attorneys concerning legal representation of the City and the transition process.

Council Member Hiemenz moved to go into closed session for discussion of legal actions, causes of action or litigation and any confidential or privileged communications with its attorneys as provided under RSMo. 610.021 (1); seconded by Council Member Howell, and the vote thereupon was as follows:

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

The motion was passed unanimously.

(The Mayor and Council went into closed session at 5:16 PM with Ms. Rider, Mr. Maupin, Ms. Erin Seele and Mr. Paul Rost of Cunningham, Vogel & Rost).

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

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

The motion was passed unanimously.

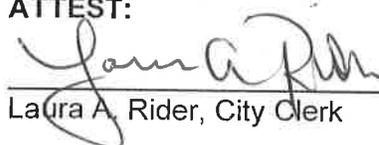
(The Mayor and Council returned to open session at 5:26 PM).

Adjournment:

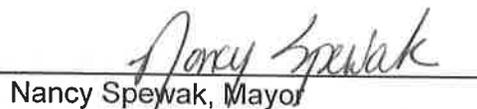
Council Member Hiemenz moved adjournment, seconded by Council member Howell, which motion passed unanimously. The meeting adjourned at 5:26 PM.

APPROVED THIS 16TH DAY OF NOVEMBER, 2015.

ATTEST:



Laura A. Rider, City Clerk



Nancy Spewak, Mayor