

**MINUTES OF MEETING
CITY COUNCIL OF THE CITY OF LADUE
ST. LOUIS COUNTY, MISSOURI
MONDAY, APRIL 25, 2016**

The regular meeting of the City Council of the City of Ladue, St. Louis County, Missouri, was held on Monday, April 25, 2016, 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
Patrick Hensley
John Fox
William Brennan
Harold Burroughs

Absent:

John Howell

Five Council Members present.

Also present were Ms. Laura Rider, City Clerk/Assistant to the Mayor; Mr. Samuel Zes, Finance Director; Police Chief Rich Wooten; Fire Chief Steve Lynn, Mr. William Penney, Building Official; Ms. Andrea Sukanek, City Planner and Ms. Erin Seele, City Attorney. Ms. Anne Lamitola, Public Works Director was absent.

Approval of the Agenda: Council Member Fox 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 March 28, 2016. Council Member Hiemenz moved approval of the Minutes of the Regular and Closed Meetings as submitted for March 28, 2016, seconded by Council Member Hensley, which motion passed unanimously.

Oath of Office: Ms. Rider administered the Oath of Office to the newly elected officials.

Public Forum: Mr. Lou Salamone presented information regarding the Suburban Bow Hunters Group.

Public Hearing: None

Zoning & Planning Matters:

ZP - 1: Resubdivision of Lot 10 of Briarcliff Subdivision – Consideration of Denial or Referral to Zoning and Planning Commission in accordance with Chapter 94 of the Ladue Municipal Code Section 94-3.

Ms. Sukanek presented her determination that the application is not in compliance with the Code of Ordinances Section 94-34 (4), (4) e and Ordinance 1175 Section V, B-2; the lot size may not be included in the area within any easement for a public road, private street, or new driveway, the swimming pool does not meet the side setbacks and the lot shape is irregular (more than five sides).

Ms. Seele stated that the applicant would need to request a variance from the Zoning Board of Adjustment for the lot size.

Council Member Hiemenz stated that there is currently one lot. The applicant is requesting to split the lot into two non-conforming lots with the pool encroaching in to the setback. The City Code allows for five sides and ideally a rectangular lot. The split lot would have seven sides.

Following additional discussion Council Member Fox moved referral of the Resubdivision of Lot 10 of Briarcliff Subdivision to the Zoning and Planning Commission for review and recommendation, seconded by Council Member Burroughs, which motion passed, with one nay vote by Council Member Hiemenz.

Old Business: None

New Business:

Proposed Legislation:

Bill No. 2128 – An ordinance providing regulations for deer hunting by archery methods within the City of Ladue.

Council Member Brennan read Bill No. 2128 for a first reading. Council Member Fox read Bill No. 2128 for a second reading.

Ms. Erin Shank with the Missouri Department of Conservation (MDC) presented her comments and observations of the hunting regulations provided in the bill. Ms. Shank stated that currently the state does not include crossbow as an archery device in their definition. Therefore, she recommends that the City's definition match the state's definition. Her additional recommendations include adding a time requirement for notification of intent to hunt being submitted to the City and modifying the language from hunting license to hunting permit as the MDC issues permits to hunt, not licenses.

After discussion it was the consensus of the Council that the notification of intent to hunt should be submitted to the City each hunting season, the definition of archery device should be revised and the words "and crossbow" will be added after archery device where necessary throughout the bill and "hunting license" will be changed to "hunting permit".

Following questions by Council Members Burroughs and Hensley, Ms. Shank explained that 20 yards is the optimum distance for taking a shot at a deer with an archery device or crossbow. Hunters in suburban areas should be much more selective with their shots so that a deer will not wander off on to a neighbor's property. This does not happen often, but if it does, the hunter should notify the neighbor, the Ladue Police Department and the MDC. This requirement is included in the bill. Another provision in the bill requires that property owners notify neighbors of their intent to allow hunting and to request permission to enter the neighbor's property if, and only if, a deer should happen to wander there after being shot.

Council Member Hensley moved to table Bill No. 2128 to allow for the following revisions to be made 1) the notification of intent to hunt should be submitted to the City each hunting season, 2) the definition of archery device should be revised to match the state's definition and the words "and crossbow" will be added after archery device where necessary throughout the bill and 3) "hunting license" will be changed to "hunting permit", seconded by Council Member Fox, which motion passed unanimously.

Council Member Burroughs recused himself from this matter and stepped down from the dais and Mayor Spewak called for the introduction of Bill No. 2129.

Bill No. 2129 – An ordinance approving the leasing by the City of Ladue, Missouri of certain real property in connection with the financing of the construction of a new Fire House #1; approving the execution and delivery of a base lease, a lease purchase agreement, an escrow agreement, and a tax letter of instructions in connection with the financing; appropriating funds for rental payments; authorizing certain other actions and approving execution of certain other documents; and providing further authority.

Mayor Spewak read Bill No. 2129 for a first reading. Council Member Fox read Bill No. 2129 for a second reading.

Following discussion, Council Member Hensley moved approval of Bill No. 2129, seconded by Council Member Fox, and the vote thereupon was as follows:

Council Member Brennan	“Aye”
Council Member Fox	“Aye”
Council Member Hiemenz	“Aye”
Council Member Hensley	“Aye”

Council Member Burroughs recused himself from the vote.

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

Mayor Spewak declared Bill 2129 adopted as **Ordinance 2129**.

Resolution No. 2016-02 – A resolution adopting a records retention and destruction policy.

Council Member Hiemenz moved adoption of Resolution No. 2016-02, seconded by Council Member Burroughs, which motion passed unanimously.

Financial Matters:

Mr. Zes reported that while utility taxes are down, sales tax receipts are up and overall, the City is in good shape.

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

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

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

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

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

Department Reports:

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

Fire Chief Lynn updated the Council on the successful completion of his first year in a four year Executive Fire Officer Program and the progress of the construction planning of the new Fire House #1.

The Mayor and Council reviewed the Fire Department 2015 Annual Report. The Mayor ordered the report filed.

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

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

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

Building Permit Extensions:

1. 16 Salem Estates Drive, Permit #150373, extended to October 31, 2016
2. 36 Glen Eagles Drive, Permit #150888, extended to March 7, 2017
3. 19 St. Andrews Drive, Permit #140477, extended to October 1, 2016
4. 52 Fair Oaks Drive, Permit #150897, extended to October 9, 2016

Council Member Fox moved approval of the building permit extensions, seconded by Council Member Hensley, which motion passed unanimously.

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

Administration/City Clerk:

City Attorney: Ms. Seele reported that the bill providing for the extension to 2018 of the collection of local sales tax on out of state sales on motor vehicles has passed and is awaiting the Governor's signature.

Appointments: Request for approval of appointments to the Storm Water Advisory Committee Sub-Committee (Storm water Development Standards Review):

- Ray Potter, Chairman
- Anne Carter
- Mary Ann Rober
- Patrick Hensley
- Trae Meyr
- Andrea Sukanek (staff liaison)
- Will Penney (staff liaison)

Council Member Fox moved approval of the appointments, seconded by Council Member Burroughs, which motion passed unanimously.

Liquor Licenses:

L-1: An application from the Racquet Club, 1600 Log Cabin Lane for renewal of their liquor license to sell intoxicating liquor by the drink for consumption on the premises, in the original package with Sunday sales. The report from the police department finds no reason why the license should not be issued.

L-2: An application from Gourmet To Go, 9828 Clayton Road, for renewal of their liquor license to sell intoxicating liquors in the original package. The report from the police department finds no reason why the license should not be issued.

L-3: An application from L'Ecole Culinaire, Ltd., 9807 S. Forty Drive, for renewal of their license to sell intoxicating liquors by the drink. The report from the police department finds no reason why the license should not be issued.

L-4: An application from St. Louis Country Club, 400 Barnes Road, for renewal of their liquor license to sell intoxicating liquor by the drink for consumption on the premises with Sunday sales. The report from the police department finds no reason why the license should be not issued.

Council Member Fox moved approval of the liquor license renewals for the Racquet Club, Gourmet To Go, L'Ecole Culinaire, Ltd. and St. Louis Country Club, seconded by Council Member Brennan, which motion passed unanimously.

Mayor Spewak noted that the next meetings are scheduled for Monday, May 16th and Monday, June 20th.

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 Burroughs, and the vote thereupon was as follows:

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

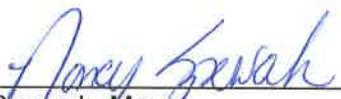
There being five aye votes and zero nay votes the motion passed unanimously.

The Mayor and Council went into closed session at 4:46 PM with Fire Chief Lynn, Assistant Fire Chief Jeff Johnson, Mr. Chris Hesse and Ms. Seele.

The Mayor and Council returned to open session at 5:32 PM with Fire Chief Lynn, Assistant Fire Chief Jeff Johnson, Mr. Chris Hesse, labor attorney and Ms. Seele.

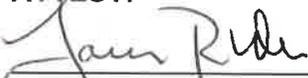
Adjournment: Council Member Hiemenz moved adjournment, seconded by Council member Fox, which motion passed unanimously. The meeting adjourned at 5:32 PM.

APPROVED THIS 16TH DAY OF MAY 2016.



Nancy Spewak, Mayor

ATTEST:



Laura Rider, City Clerk