

**MINUTES OF MEETING
CITY COUNCIL OF THE CITY OF LADUE
ST. LOUIS COUNTY, MISSOURI
MONDAY, MAY 16, 2016**

The regular meeting of the City Council of the City of Ladue, St. Louis County, Missouri, was held on Monday, May 16, 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, Ms. Anne Lamitola, Public Works Director; Ms. Andrea Sukanek, City Planner and Ms. Erin Seele, City Attorney. Mr. Will Penney, Building Official was absent.

Approval of the Agenda: Council Member Hensley moved amendment of the agenda to move the Employee Dental Insurance to Standard Insurance instead of renewing with Anthem, seconded by Council Member Fox, 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 April 25, 2016. Council Member Hiemenz moved approval of the Minutes of the Regular and Closed Meetings as submitted for April 25, 2016, seconded by Council Member Burroughs, which motion passed unanimously.

Police Department Recognition Awards: Special Agent William Woods of the Federal Bureau of Investigation presented Sgt. Ray Hahs with a certificate in recognition of his contributions to a joint investigation with the FBI.

Public Forum: Mr. Lou Salamone presented information regarding notification forms used by other municipalities that allow archery hunting.

Mr. Robert Mueller, 16 Ladue Crest Lane, requested that the City Council oppose MSD's request for use of explosives to install a pipe near Deer Creek in conjunction with their capital improvement program.

Mr. Lucien Fouke distributed photos showing obstructed views for drivers trying to exit on to Clayton Road when large vehicles park in the shopping districts along Clayton Road. He also expressed his concerns regarding overgrown vegetation along roadways.

Ms. Marx, 5 Clermont Lane, stated her concerns with approving multiple building permit extensions for the same project. Ms. Marx requested that the City Council consider neighboring property owners when extending building permits and include some incentive for these projects to be completed on time. Mayor Spewak stated that the City is reviewing the policy for granting extensions which includes the potential for requiring payment of fees again if deadlines are not met.

Public Hearing: None

Committee Report: (Insurance)

C-1 Request for approval of renewal of Employee Health Insurance with United Healthcare.

Mr. Stephen Hall, Chairman of the Insurance Committee, reported that the initial renewal from United Healthcare (UHC) was 21.6% above current rates. The City's broker, Daniel and Henry Company, marketed the group and received only one competing proposal from Anthem for 18.94% above current rates. After negotiating, the final rate offered by UHC is 17.9% with retention of the same benefit levels. Therefore, the Insurance Committee recommends approval of renewal of Employee Health Insurance with UHC.

Council Member Fox moved approval of renewing the Employee Health Insurance with United Healthcare, seconded by Council Member Brennan, which motion passed unanimously.

C-2 Request for approval to move the Employee Dental Insurance to Standard Insurance.

Mr. Hall reported the initial renewal from Anthem called for an 8% increase in premiums. Using competitive proposals from the market, Daniel & Henry Company was able to negotiate a reduction in the renewal by Anthem to a 5% increase. However, the most competitive proposal came from Standard Insurance and features a 2 year rate guarantee with premiums at 1.5% over the current rates. Mr. Hall stated that the Insurance Committee is recommending moving the Employee Dental Insurance from Anthem to Standard Insurance.

Council Member Hiemenz moved approval of moving the Employee Dental Insurance to Standard Insurance, seconded by Council Member Hensley, which motion passed unanimously.

C-3 Request for approval of renewal of Employee Life Insurance and Employee Long Term Disability Insurance (LTD) with Mutual of Omaha with a change in benefit for LTD disability period from 24 months own occupation to 36 months own occupation.

Mr. Hall reported that the Insurance Committee is recommending a change in benefits for the Employee Long Term Disability (LTD) Insurance for the disability definition from 24 month own occupation to 36 month own occupation. This enhancement to the LTD coverage comes at an additional annual cost of \$3,467. The rate for the Employee Life Insurance remains the same. Mutual of Omaha is offering a 2 year rate guarantee. Mr. Hall stated that the Insurance Committee is recommending approval of renewal of Employee Life Insurance and Employee Long Term Disability Insurance with Mutual of Omaha with the change in benefit.

Council Member Fox moved approval of the renewal of Employee Life Insurance and Employee Long Term Disability Insurance with Mutual of Omaha with a change in benefit for LTD disability definition from 24 months own occupation to 36 months own occupation, seconded by Council Member Brennan, which motion passed unanimously.

C-4 Request for approval of renewal with ASIFlex for the Employee Flexible Spending Account Plan.

Mr. Hall reported that the Insurance Committee is recommending renewal with ASIFlex for the Employee Flexible Spending Account Plan. The Flexible Spending Account Plan was implemented in 2015 and there has been positive feedback from employees. There is no additional cost to the City to renew the plan.

Council Member Hensley moved approval of renewing with ASIFlex for the Employee Flexible Spending Account Plan, seconded by Council Member Brennan, which motion passed unanimously.

Zoning & Planning Matters:

ZP - 1: Referral to Zoning and Planning Commission for a Special Use Permit submitted by MOD Pizza to operate a restaurant with the sale of alcohol by the glass (beer and wine) and outdoor seating at 8855K Ladue Road.

Ms. Sukanek stated that the proposed location for the restaurant is in the Ladue Crossing Shopping Center. Mod Pizza is a chain restaurant and will serve lunch and dinner and is requesting to serve alcohol.

Council Member Fox moved referral of the Special Use Permit submitted by MOD Pizza to operate a restaurant with the sale of alcohol by the glass (beer and wine) and outdoor seating at 8855K Ladue Road to the Zoning and Planning Com-

mission for review and recommendation, seconded by Council Member Hensley, which motion passed unanimously.

Old Business:

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

Mayor Spewak read Bill No. 2128 Amended for a first reading. Council Member Hensley read Bill No. 2128 Amended for a second reading.

Council Member Fox moved approval of Bill No. 2128 Amended, 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.

Mayor Spewak declared Bill No. 2128 Amended adopted as **Ordinance 2128**.

New Business:

Proposed Legislation:

Resolution No. 2016-03 – A resolution granting a variation to Section 94-34(4) of Chapter 94 of the Code of Ordinances for McPheeters' Subdivision to include an easement within the lot area calculation, pursuant to and in accordance with Section 94-3(a).

Ms. Sukanek stated that Mr. McPheeters received preliminary approval from the Zoning and Planning Commission and will need to submit Improvement Plans and a Final Plat but requires a variation which is being presented to Council today.

Ms. Sukanek read aloud Section 94-3 (a) of the Code of Ordinances.

Mr. McPheeters, who was present, explained that there are two sets of easements. The easement to the north side of Lot 1 is to be vacated. The 12 foot easement on the east edge of Lot 1 will not be vacated. The variation request is for

the 12 foot easement to the east to be included in the acreage of the lots involved in this subdivision.

Mr. McPheeters stated that he is working to obtain signatures from the other property owners to vacate the easement to the north. Council Member Hiemenz asked Mr. McPheeters if he thought he would be able to obtain all of the signatures. Mr. McPheeters replied that he was confident that he would be able to obtain all of the signatures and that he should have all of them before final approval of the plat.

Council Member Fox moved adoption of Resolution No. 2016-03 as amended, to include only the private eastern easement in the minimum lot area calculation and that Mr. McPheeters will be required to pursue and obtain the vacation of the private northern easement, seconded by Council Member Brennan, which motion passed unanimously.

Financial Matters:

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

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

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

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

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

Department Reports:

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

Council Member Fox reported that the City's Construction Manager and Architect had applied for variances for the construction of Fire House #1 to the Zoning Board of Adjustment. All variances were granted.

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

Chief Wooten reported that there were three recorded thefts from construction sites within the City. The Police Department is working with other cities to determine if they are experiencing the same type of thefts. A warning will be posted on the City's website.

Chief Wooten stated that the Police Department has 36 firearms in need of replacement due to age. During a six month process firearms were tested and evaluated. The determination was made to recommend purchasing Glock 9MM models. Three bids were solicited and the lowest bidder was GT Distributors at a cost of \$5,766.00 which includes sights for the firearms. The current firearms are included in the purchase as trade-ins. Several attachable flashlights were tested and the recommendation is to purchase the Streamlight TLR-1. Again, three bids were solicited and the lowest bidder was GT Distributors at a cost of \$2,850.00.

Chief Wooten requested approval of the purchase of the firearms, sights and attachable flashlights at a total cost of \$8,616.00.

Council Member Hiemenz moved approval of the purchase of new firearms, sights and attachable flashlights from GT Distributors in the amount of \$8,616.00 as described in the meeting packet, seconded by Council Member Brennan, which motion passed unanimously.

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

Ms. Lamitola stated that bids were solicited for a commercial leaf vacuum. Three bids were submitted with the lowest bid by Monster Power Equipment for a Monster Vacuum at a cost of \$26,376.69. This vacuum is similar in design to previously purchased leaf vacuums and meets all specifications.

Council Member Hensley moved approval of the purchase of the Monster Vacuum from Monster Power Equipment at a cost of \$26,376.69 as described in the meeting packet, seconded by Council Member Fox, which motion passed unanimously.

Ms. Lamitola requested approval of a roadway maintenance contract for McKnight Road. Ms. Lamitola explained that an asphalt rejuvenator can be applied thereby extending the life of the pavement and delaying more costly rehabilitation projects. Reclamite is one such rejuvenator and is being recommended for application on McKnight Road. Reclamite is proprietary and is a sole source item that can be installed by Corrective Asphalt Materials. The cost for this project is \$12,476.80 (\$0.80/cubic yard).

Council Member Hiemenz asked if Reclamite will be used on Price Road. Ms. Lamitola replied that it may be considered for next year. This product can be applied from 0 – 5 years.

Council Member Hensley moved approval for the Mayor to execute a contract in substantially the form contained in the meeting packet with Corrective Asphalt Materials, LLC for the application of Reclamite on McKnight Road at a cost of \$12,476.80, seconded by Council Member Fox, which motion passed unanimously.

Mayor Spewak thanked Ms. Lamitola for developing the Pavement Rating System and the Roadway Maintenance Program.

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

Building Permit Extensions:

1. 10268 Lylewood Drive, Permit #150523, extended to June 30, 2016
2. 2 Ellsworth Lane, Permit #150637, extended to July 22, 2016
3. 6 Clermont Lane, Permit #69884, extended to August 1, 2016

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

Ms. Lamitola stated that she and the Building Official are reviewing the ordinance regarding building permit extensions and will have a recommendation soon for any proposed changes in the approval process.

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

Administration/City Clerk:

Council Member Brennan moved the nomination of Council Member Hiemenz as the Acting-President of the Council. The motion was seconded by Council Member Fox, which motion passed unanimously.

Ms. Rider requested approval of the purchase of an annual subscription of Office 365. Office 365 allows users to access email and Office applications anywhere there is an internet connection on any device. This will greatly improve accessibility for employees. The City will receive government pricing. The total cost for the subscription, installation and configuration is \$13,773.00.

Council Member Brennan moved approval of the purchase of an annual subscription of Office 365 and installation and configuration at a total cost of \$13,773.00 as described in the meeting packet, seconded by Council Member Hensley, which motion passed unanimously.

Ms. Rider stated that with the turnover of staff in the Administrative and Building Departments over the past year and review and evaluation of staffing levels, work flow and processes it has become apparent that there is a need for additional administrative support. Assistance is needed with the Building Department reception duties and centralization of meeting minutes. Other areas of need include meeting notices, compiling meeting packets and records management. The request is for the addition of a part-time Administrative Assistant who will provide support to the Administrative, Building and Public Works Departments. The Finance Director has confirmed that the 2016 budget will support this addition.

Council Member Hiemenz moved approval of the addition of a part-time Administrative Assistant to provide support to the Administrative, Building and Public

Works Departments, seconded by Council Member Brennan, which motion passed unanimously.

City Attorney: Ms. Seele reported that the legislative session has ended and she will report at a later date on the bills of interest to the City.

Appointments: Request for approval of the appointment of Kathy Williams to the Architectural Review Board as an alternate member.

Council Member Fox moved approval of the appointment of Kathy Williams to the Architectural Review Board as an alternate member, seconded by Council Member Hensley, which motion passed unanimously.

Liquor Licenses:

L-1: An application from Dornaka Restaurant Holdings LLC d.b.a. Sportsman's Park, 9901 Clayton Road, for renewal of their liquor license to sell intoxicating liquors by the drink and in the original package. The report from the police department finds no reason why the license should not be issued.

Council Member Fox moved approval of the liquor license renewal for Dornaka Restaurant Holdings, LLC d.b.a. Sportsman's Park, seconded by Council Member Brennan, which motion passed unanimously.

Mayor Spewak noted that the next meetings are scheduled for Monday, June 20th and Monday, July 18th.

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 Fox, and the vote thereupon was as follows:

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

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

The Mayor and Council went into closed session at 5:28 PM with Ms. Erin Seele.

The Mayor and Council returned to open session at 5:45 PM with Ms. Erin Seele.

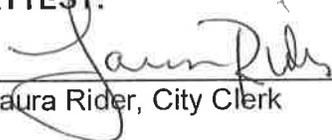
Adjournment: Council Member Burroughs moved adjournment, seconded by Council Member Fox, which motion passed unanimously. The meeting adjourned at 5:45 PM.

APPROVED THIS 20TH DAY OF JUNE 2016.



Nancy Spewak, Mayor

ATTEST:



Laura Rider, City Clerk

