

**MINUTES OF MEETING
CITY COUNCIL OF THE CITY OF LADUE
ST. LOUIS COUNTY, MISSOURI
THURSDAY, AUGUST 18, 2016**

The regular meeting of the City Council of the City of Ladue, St. Louis County, Missouri, was held on Thursday, August 18, 2016, at 4:05 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
William Brennan
Harold Burroughs
John Howell

Absent:

John Fox

Five Council Members present.

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

Approval of the Agenda: Mayor Spewak amended the agenda by withdrawing Resolution No. 2016-05 as requested by the applicant. Council Member Howell moved approval of the agenda as amended, seconded by Council Member Burroughs, 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 July 18, 2016. Council Member Hiemenz moved approval of the Minutes of the Regular and Closed Meetings for July 18, 2016, seconded by Council Member Brennan, which motion passed unanimously.

Public Forum: None

Public Hearing: The City Council will hold a Public Hearing on a recommendation submitted by the Zoning and Planning Commission that the City Council approves a Special Use Permit for Tom Burr to operate a therapeutic massage practice at the Clayprice Shopping Center located at 9216 Clayton Road.
(Z&P recommends approval ZPC 16-11)

Council Member Hensley moved to open the public hearing, seconded by Council Member Howell, which motion passed unanimously.

Ms. Erin Seele, City Attorney, stated that the hearing notice, the Zoning and Planning File ZPC 16-11 as well as the entire Code of Ordinances and Ordinance No. 1175 are entered as part of the record and are available for review.

The transcript of the public hearing is attached as part of the minutes.

Council Member Brennan moved approval of the Special Use Permit for Tom Burr to operate a therapeutic massage practice at the Clayprice Shopping Center located at 9216 Clayton Road, seconded by Council Member Burroughs, which motion passed unanimously.

Council Member Hiemenz moved to close the public hearing, seconded by Council Member Burroughs, which motion passed unanimously.

Committee Report: (Uniform and Non-Uniform Pension Plan Board of Trustees)

C-1 Report change of Asset Management Services for the Uniform and Non-Uniform Pension Plans

Mayor Spewak stated that Chairman Joe Rechter was out of town and was unable to attend the meeting to present the report. Mayor Spewak stated that periodically, as part of their fiduciary responsibility, the Pension Board places the investment management services out for bid to ensure they are maximizing assets and minimizing costs.

A Request for Proposals (RFP) was published. Fourteen proposals were received. Based upon the desired criteria established by the Pension Board five companies were interviewed and after consideration the Pension Board selected Marquette Associates as the finalist.

Councilman Hiemenz asked why Commerce Trust, the current investment manager, was not selected as a finalist. Mr. Zes responded that the Board was interested in other finalists that they would be able to compare to Commerce Trust. Mayor Spewak stated that Commerce Trust was aware of the RFP and submitted a proposal. Representatives of Commerce Trust were very gracious throughout the process.

Zoning & Planning Matters:

ZP-1 Referral to Zoning and Planning Commission for a Special Use Permit submitted by Extenet Systems, Inc. to install telecommunications small cell antennas on top of utility poles along with radio and power equipment on the poles at the rear of 17 Oakleigh Lane.

Ms. Sukanek stated that this site is replacing the site that was dropped by ExteNet Systems, Inc. previously and will complete their network in Ladue.

Council Member Hiemenz moved referral of the application for a Special Use Permit submitted by Extenet Systems, Inc. to install telecommunications small cell antennas on top of utility poles along with radio and power equipment on the poles at the rear of 17 Oakleigh Lane to the Zoning and Planning Commission for review and recommendation, seconded by Council Member Brennan, which motion passed unanimously.

ZP-2 Referral to Zoning and Planning Commission for an Amended Special Use Permit submitted by John Burroughs School for:

Modification to Condition 3: Revise the Master Site Plan to include the following proposed changes:

- Demolition of the existing Stamper Library and Gaylord Science buildings
- Construction of a proposed Science Technology and Research building

Modification to Condition 4: Construction Phasing:

- Addition of Phase VI- March 2017- August 2019 – New Science, Technology, and Research Building

Modification to Condition 4: Request an enrollment increase from 600 to 650 students

Ms. Sukanek stated that John Burroughs School has submitted a full set of plans but may require a height variance.

Council Member Howell moved referral of the application for an Amended Special Use Permit submitted by John Burroughs School for modifications to include the demolition of the existing Stamper Library and Gaylord Science buildings, construction of a proposed Science Technology and Research building, addition of Phase VI – March 2017 – August 2019 – New Science, Technology and Research building, and an enrollment increase from 600 to 650 students to the Zoning and Planning Commission for review and recommendation, seconded by Council Member Hensley, which motion passed unanimously.

ZP-3 Referral to Zoning and Planning Commission for a Special Use Permit submitted by Ladue Corner LLC located at 2105 S. Warson Road for an addition to the

east side of the existing residence consisting of a 2-story masonry structure connected with a conservatory including driveway improvements/extension.

Ms. Sukanek stated that single family homes that exceed 50,000 square feet require a Special Use Permit.

Council Member Brennan moved referral of the application for a Special Use Permit submitted by Ladue Corner LLC located at 2105 S. Warson Road for an addition to the east side of the existing residence consisting of a 2-story masonry structure connected with a conservatory including driveway improvements/extension to the Zoning and Planning Commission for review and recommendation, seconded by Council Member Hensley, which motion passed unanimously.

Old Business: None

New Business:

Proposed Legislation:

Bill No. 2137 – An ordinance of the City of Ladue, St. Louis County, Missouri, amending Chapter 2 of the Ladue Code to enact a new Article X relating to Storm Water Control.

Council Member Hiemenz complimented the Storm Water Advisory Ad-hoc Committee for their work on this ordinance. Council Member Hiemenz stated that he is concerned with Section 2-329, whereby residents may apply for funds from the Storm Water Grant Program. He further stated that the City has a history of not using public funds on private property.

Council Member Brennan stated that he serves on the Storm Water Advisory Ad-hoc Committee. Residents are struggling with storm water issues and these grants will help complete their projects quicker.

Ms. Lamitola provided background information on the storm water needs assessment, which included walking the creeks, resident surveys and identifying problem points. The next step will be to produce a master plan with solutions and cost estimates. Exhibit A to the ordinance has a score sheet and benefit/cost ratios. Exhibit B outlines the Grant Program; which was the result of the Committee's recommendations. A five-year plan with a rolling budget will be presented to the City Council annually for approval in the budget.

Mayor Spewak stated that other cities are assisting their residents within the constraints of the grant program.

Ms. Seele explained that if the City completes a project on one property that is private and it helps improve the entire public system, that use is eligible to be paid from the dedicated Storm Water Sales Tax. The grants for projects on private property will be funded from the Storm Water Sales Tax.

Ms. Lamitola stated that the private property owner will pay the costs first, then get reimbursed up to 50% of those costs, up to a maximum of \$25,000.00 per project by the City through the grant program.

Mayor Spewak read Bill No. 2137 for a first reading. Council Member Howell read Bill No. 2137 for a second reading.

Council Member Brennan moved approval of Bill No. 2137, seconded by Council Member Hensley and the vote thereupon was as follows:

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

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

Mayor Spewak declared Bill No. 2137 adopted as **Ordinance 2137**.

Resolution No. 2016-05 – A resolution granting a variation to Section 94-34(4) of the Code of Ordinances for the re-subdivision of Lot 10 of Briarcliff to include an easement within the lot area calculation, pursuant to and in accordance with Section 94-3(a).

Resolution No. 2016-05 was withdrawn by the applicant.

Resolution No. 2016-06 – A resolution granting a variation to Section 94-34(4)e of Chapter 94 of the Code of Ordinances for the re-subdivision of Lot 10 of Briarcliff to include two lots with more than five sides, pursuant to and in accordance with Section 94-3(a).

Ms. Sukanek stated that the applicant submitted a plan with two lots with more than five sides to the Zoning and Planning Commission on May 25th. This configuration is a violation of Section 94-34(4)e. The Zoning and Planning Commission recommended that plan for approval. The applicant is now considering a new plan but they are interested in getting this approval.

Ms. Sukanek recommended the following additional language be added to the resolution in Section 1:

"The approved variation is based on the subdivision plat submitted to and recommended for approval by the Zoning and Planning Commission on May 25, 2016 (Briarcliff Subdivision of Adjusted Lot 10, as revised by surveyor on 5/12/16) and shall not apply to future revisions with substantial modifications."

Council Member Howell moved approval of Resolution No. 2016-06 as amended, seconded by Council Member Hensley, which motion passed unanimously.

Resolution No. 2016-09 – A resolution authorizing the Mayor to execute on behalf of the City a Rights-of-Way Use Agreement with ExteNet Systems, Inc.

Council Member Hiemenz moved approval of Resolution No. 2016-09, seconded by Council Member Burroughs, which motion passed unanimously.

Resolution No. 2016-10 – A resolution authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a contract with SCI Engineering, Inc. for construction material testing and special inspections for the construction of the new Fire House No. 1.

Council Member Hensley moved approval of Resolution No. 2016-10, seconded by Council Member Howell, which motion passed unanimously.

Resolution No. 2016-11 – A resolution authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a contract with Roadsafe Traffic Systems, Inc. for the Citywide Pavement Striping Project 2016/2017.

Ms. Lamitola stated that Roadsafe Traffic Systems, Inc. was the low bidder at \$64,492.25. This amount is well within the budget for this project.

Council Member Hiemenz moved approval of Resolution No. 2016-11, seconded by Council Member Burroughs, which motion passed unanimously.

Resolution No. 2016-12 – A resolution authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a contract for the 2016 micro-surfacing project.

Ms. Lamitola explained that micro-surfacing is an easy application and extends the life of the road surface. Two bids were received. Missouri Petroleum submitted the lower bid at \$145,798.00. The contractor will have message boards, send mailers and will avoid working during school hours.

Council Member Hensley moved approval of Resolution No. 2016-12, seconded by Council Member Brennan, which motion passed unanimously.

Discussion ensued about the possibility of the work being performed at night. Council Member Hiemenz moved approval to allow Ms. Lamitola to negotiate with the contractor to have the services performed at night for the same cost, which would be outside the parameters of the City's noise ordinance, seconded by Council Member Brennan, which motion passed unanimously.

Financial Matters:

The Council reviewed the **vouchers for payment** for the month of July 2016. Council Member Brennan 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 July 2016. The Mayor ordered the reports filed for information.

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

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

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

Department Reports:

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

Chief Lynn reported that the construction trailers were delivered on site at Fire House No. 1 today and the fence is up surrounding the site. Chief Lynn expressed his appreciation on behalf of his men for the construction of the new Fire House.

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

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

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

Mr. Penney reported that there have been fifteen to eighteen submittals to the Architectural Review Board for every meeting. The permit extension report submitted in the packet covers a two-month period.

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

Administration/City Clerk:

Mr. Zes requested authorization for the Mayor to execute a contract with Muni Financial for accounting services in an amount not to exceed \$6,800.00. He stated that due to staff turnover earlier this year he would like to use the services of the CPA to confirm that all transactions were recorded properly during the absence and transition of the Finance Director position.

Council Member Hensley moved approval to authorize the mayor to execute a contract with Muni Financial for accounting services in an amount not to exceed \$6,800.00, seconded by Council Member Hiemenz, which motion passed unanimously.

City Attorney: Ms. Seele had nothing new to report.

Appointments: Mayor Spewak stated that Brent Restemayer has moved to Clayton and resigned from the Architectural Review Board.

Mayor Spewak requested approval of the appointment of Kathy Williams from alternate member to regular member of the Architectural Review Board and the appointment of Diane Lochner as an alternate member of the Architectural Review Board.

Council Member Hiemenz moved approval of the appointment of Kathy Williams from alternate member to regular member of the Architectural Review Board, seconded by Council Member Brennan, which motion passed unanimously.

Council Member Howell moved approval of the appointment of Diane Lochner as an alternate member of the Architectural Review Board, seconded by Council Member Burroughs, which motion passed unanimously.

Liquor Licenses: None

Mayor Spewak noted that the next meetings are scheduled for September 19, 2016 and October 17, 2016.

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 Brennan, and the vote thereupon was as follows:

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

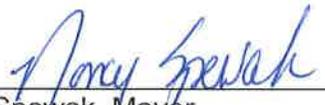
There being five aye votes and zero nay votes the motion passed unanimously.

The Mayor and Council went into closed session at 5:07 PM with Ms. Erin Seele and Ms. Anne Lamitola.

The Mayor and Council returned to open session at 5:22 PM with Ms. Erin Seele.

Adjournment: Council Member Hensley moved adjournment, seconded by Council Member Hiemenz, which motion passed unanimously. The meeting adjourned at 5:22 PM.

APPROVED THIS 19TH DAY OF SEPTEMBER 2016.



Nancy Spewak, Mayor

ATTEST:



Laura Rider, City Clerk

