

**CITY COUNCIL OF THE CITY OF LADUE
ST. LOUIS COUNTY, MISSOURI
MONDAY, MARCH 26, 2018**

The regular meeting of the City Council of the City of Ladue, St. Louis County, Missouri, was held on Monday, March 26, 2018, at 4:06 p.m., at 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
Harold Burroughs (arrived 4:10 p.m.)
William Brennan

Six Council Members present.

Also present were Ms. Laura Rider, Assistant to the Mayor/City Clerk; Mr. Sam Zes, Finance Director; Police Chief Ken Andreski, Jr.; Fire Chief Steven Lynn; Ms. Anne Lamitola, Public Works Director; Mr. Roger Stewart, Building Official; Ms. Andrea Sukanek, City Planner and Ms. Erin Seele, City Attorney.

Approval of the Agenda: Council Member Fox moved approval of the agenda, seconded by Council Member Howell, which motion passed unanimously.

Approval of the Minutes: Mayor Spewak asked if there were any amendments, corrections or clarifications to the minutes of the regular meeting of February 20, 2018. Council Member Hiemenz moved approval of the minutes as submitted for the regular meeting of February 20, 2018, seconded by Council Member Brennan, which motion passed unanimously.

Mayor Spewak called for a moment of silence in memory of Mr. George Hensley who recently passed away and had previously served on the Council for eighteen years.

Mayor Spewak presented a certificate of appreciation to Mr. Robert Watt in recognition of his service to the City as chairman of the Storm water Advisory Committee and member of the Public Works Committee.

Council Member Burroughs arrived at 4:10 p.m.

Public Forum: No one wished to address the Mayor and Council.

Public Hearings: There were no public hearings.

Zoning & Planning Matters:

ZP1: Referral to the Zoning and Planning Commission for review and recommendation for an Amended Special Use Permit for Litzsinger School to utilize existing vegetation for screening and installation of a chain link fence on the east edge of the school property where a tall sight-proof fence had been proposed.

Ms. Sukanek stated that the Special Use Permit for Litzsinger School had been approved last July. Since then Litzsinger School decided that it made more sense for the school and the residents to leave the vegetation and install a chain link fence. It was noted that chain link fences are allowed for industrial properties and schools.

Council Member Fox moved referral to the Zoning and Planning Commission for review and recommendation for an Amended Special Use Permit for Litzsinger School to utilize existing vegetation for screening and installation of a chain link fence on the east edge of the school property where a tall sight-proof fence had been proposed, seconded by Council Member Hensley, which motion passed unanimously.

New Business:

Proposed Legislation:

Bill No. 2179 – An ordinance modifying Chapter 98, Article II – Enforcement and Obedience to Traffic Regulations.

There was a first reading of Bill No. 2179 by Mayor Spewak with second reading by Council Member Brennan. Ms. Lamitola explained that this bill is introduced in response to a request at the last Council meeting by a trustee on Overbrook Drive to be added as a street where turn around traffic is prohibited. Ms. Lamitola discussed this with the City Clerk and the Police Chief and it was determined appropriate to be added to the list.

Council Member Hensley moved approval of Bill No. 2179, seconded by Council Member Brennan and the roll call vote thereupon was as follows:

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

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

Bill No. 2180 – An ordinance modifying Chapter 102, Article II – Removal and Replacement of Trees and Woodlands.

There was a first reading of Bill No. 2180 by Mayor Spewak with second reading by Council Member Hensley.

Ms. Lamitola stated that when Chapter 102 was rewritten last fall it was set up for projects to either have ARB review and approval or not. In practice it is apparent that is not the appropriate threshold, therefore, staff requests this modification.

Council Member Fox moved approval of Bill No. 2180, seconded by Council Member Howell and the roll call vote thereupon was as follows:

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

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

Mr. Tony Bommarito spoke regarding Bill Nos. 2180 and 2181 and offered information about Beautify Ladue, a 501c3 not-for-profit group, whose sole purpose is beautification of Ladue by planting trees, flowers, sod, and trimming and removing trees. All funding is from Ladue residents. Mr. Bommarito asked about the posting requirements for ordinances. Ms. Rider stated the ordinances are posted on the board in City Hall and on the City's website along with the meeting agenda at minimum 24 hours prior to the meeting.

Discussion ensued regarding tree removal permits, the intent behind Bill No. 2180 and application of this ordinance to any entity removing trees is subject to the required permit; which will apply to Beautify Ladue as well.

Bill No. 2181 – An ordinance amending Article VII of Chapter 90 to authorize a license for third-party beautification improvements on City rights-of-way and other public property.

Mayor Spewak read Bill No. 2181 followed by a second reading by Council Member Fox.

Ms. Lamitola reminded Council that she had provided an update at the February Council meeting on various beautification and garden groups that are interested in beautification efforts in Ladue and how those requests are discussed and evaluated. In an attempt to coordinate these projects and maintenance thereof, and have some oversight of these various projects, Ms. Lamitola consulted with the City Attorney who determined the best way to handle them is by license.

The City Attorney explained that while it is called a license, it is really a permit. Permits usually expire, where a license is valid for a longer period. Insurance is recommended to protect the City and is a universal requirement for any group

working on public property and ROW. This ordinance gives discretion to the Public Works Director to either approve a license or present to the Council for approval if an extensive amount of maintenance is required which impacts the budget. Licenses will be issued for each individual project.

Discussion ensued regarding buried utilities, locate services and the steps an applicant must take including the excavation permit and detailed plan outlining all aspects of the project including maintenance. There needs to be a balance and cooperation from groups regarding maintenance and cost sharing by these groups.

Mayor Spewak expressed that the City is very supportive of all beautification and garden groups and wants to treat all equally and consistently.

Council Member Hiemenz moved approval of Bill No. 2181, seconded by Council Member Fox and the roll call vote thereupon was as follows:

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

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

Bill No. 2182 – An ordinance authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a contract with St. Louis County, Missouri acting for the St. Louis County Emergency Communications Commission for Next Generation 9-1-1 Service.

There was a first reading of Bill No. 2182 by Mayor Spewak.

Mr. Mike Clouse, Director of the Emergency Communications Commission (ECC), provided history on the prior agreements with municipalities. Recently, the ECC built a Next Generation 9-1-1 system which has the capability to accept texts, photos and video when the FCC approves and protocols are in place and created their own network to move away from AT&T to accept emergency calls and route those calls. This contract allows the ECC to handle the distribution of emergency calls.

Council Member Howell read Bill No. 2182 for a second time. Council Member Hensley moved approval of Bill No. 2182, seconded by Council Member Brennan and the roll call vote thereupon was as follows:

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

Council Member Burroughs "Aye"

Resolution No. 2018-04 – A resolution adopting a Fund Balance Policy.

The Finance Director worked with the Finance Committee to determine the appropriate fund balance level for recommendation. The recommendation for the General Fund is to maintain a minimum equivalent to four months of projected annual expenditures but work toward six months of projected annual expenditures. Currently, the City has 11 months in reserves.

Council Member Hiemenz moved adoption of Resolution No. 2018-04, seconded by Council Member Fox, which motion passed unanimously.

Resolution No. 2018-05 – A resolution authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a contract with Onsolve, LLC (CodeRED) for notification services subscription.

Ms. Rider reported that the City had entered into an agreement with CodeRED in 2014 with an initial term of three years for services allowing the transmission of notices to subscribers for emergency situations and weather alerts. The renewal contract is for a one year period with no cost increase and additional features.

Council Member Fox inquired about the extent to which the service is being utilized. Ms. Rider provided enrollment numbers; 1,878 phone numbers have been registered; 1,222 by text and 801 by email; and 66 businesses. It was noted that participants have the choice of registering for one or all categories which include emergency alerts, general alerts and weather warnings.

Council Member Fox moved adoption of Resolution No. 2018-05, seconded by Council Member Burroughs, which motion passed unanimously.

Resolution No. 2018-06 – A resolution adopting the Americans with Disabilities Act Transition Plan prepared for the City of Ladue.

Ms. Lamitola stated that the Americans with Disabilities Act Transition Plan was presented by Oates Associates at the last Council meeting and Council took action to start the 30 day public comment period. No comments were received. Ms. Lamitola requested adoption of the plan.

Council Member Brennan moved adoption of Resolution No. 2018-06, seconded by Council Member Fox, which motion passed unanimously.

Resolution No. 2018-07 – A resolution authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a contract with Zobrio Inc. for Information Technology Support Services.

Ms. Rider stated this is a renewal contract with a one year term.

Council Member Burroughs moved adoption of Resolution No. 2018-07, seconded by Council Member Howell, which motion passed unanimously.

Financial Matters:

Mr. Zes reported that the annual audit is scheduled to begin on April 2nd.

The Council reviewed the **vouchers for payment** for the month of February 2018. Council Member Hiemenz moved their approval, seconded by Council Member Howell which motion passed unanimously.

The Mayor and Council reviewed the Treasurer's and Collector's reports for February 2018. The Mayor ordered the reports filed for information.

There was no February financial report pending year-end closing.

The Mayor and Council reviewed the Cash Flow Summary for February 2018. The Mayor ordered the report filed for information.

The Mayor and Council reviewed the Delinquent Real Estate Tax Report for February 2018. The Mayor ordered the report filed for information.

Department Reports:

Fire Department: The Mayor and Council reviewed the Fire Department Activity Report for February 2018. The Mayor ordered the report filed.

Chief Lynn reported that the new bay doors for House No. 2 have been ordered.

Police Department: The Mayor and Council reviewed the Police Activity Report for February 2018. The Mayor ordered the report filed.

Public Works Department: The Mayor and Council reviewed the Public Works report for February 2018. The Mayor ordered the report filed.

Ms. Lamitola presented a request for authorization for the purchase of a Flail Mower; an essential piece of equipment for the department at a cost of \$103,455.00; just under the budget amount. The National Joint Powers Alliance is a government agency that offers competitively solicited contracts for use by government and non-profit agencies.

Council Member Brennan moved authorization for the Public Works Director to purchase a Flail Mower/Brush Tractor under the National Joint Powers Alliance Contract #032515-JDC from Erb Equipment Co. at a cost of \$103,455.00, seconded by Council Member Hensley, which motion passed unanimously.

Ms. Lamitola reported that the City has been approached by the Conservation Committee of the Ladue Garden Club regarding Tree City USA and provided explanation about the standards and requirements for membership; 1) Tree Board or Department (the Public Works Department has a certified arborist on staff which partially fulfills this requirement), 2) Tree Care Ordinance (the City has a tree care ordinance but must add the establishment of a Tree Board), 3) Expenditure of \$2

per capita on a community forestry program (the City meets this requirement), and 4) Annual Arbor Day Celebration.

Ms. Lamitola introduced Laure Hullverson, a representative of Ladue Garden Club. Ms. Hullverson praised the City for the actions taken thus far by having the tree ordinance in place, arborist on staff and expending \$20,000 annually. The Tree City designation began in 1978 and 95 communities in Missouri have achieved the designation, including many of the surrounding communities. The Tree City designation would be a visible standard of excellence for Ladue.

Council Member Hiemenz asked about the process for creating a Tree Board. Ms. Seele explained that the City would follow the same process for establishing other boards and committees. Discussion ensued regarding the appropriate name for the committee, membership and the possibility for coordinating the Tree Board with the ADA Transition Plan. The next steps will be drafting the ordinance establishing a Tree Board for introduction at the next Council meeting and completion of the Tree City Application.

Building Office Report: The Mayor and Council reviewed the Building Office report for February 2018. The Mayor ordered the report filed.

Mr. Stewart announced the commencement of the 90-day public review and comment period for the International Building, International Residential and International Fire Codes with Amendments, which are on file with the City Clerk. In addition to amending the Codes all ordinances will be consolidated and incorporated into the codified ordinances which are available online.

Municipal Court: The Mayor and Council reviewed the Municipal Court Report for January 2018. The Mayor ordered the report filed.

Administration/City Clerk: Ms. Rider presented a request for approval of a proposal from Milliman in the amount of \$6,000.00 for comparison analysis of the City's pension plans and the valuation from LAGERS. Last October, the Council authorized the Mayor to order an actuarial valuation in order to determine potential costs if LAGERS were to take over the administration of benefits for retirees and deferred employees. That valuation is complete and LAGERS is in the process of updating the valuation for the active employees that was completed in 2016. In order to thoroughly evaluate both reports and compare costs of the current pension plans to LAGERS plans, and validate those comparisons, staff is recommending Milliman to perform the analysis.

Council Member Fox asked what has been gained by the money expended thus far. Ms. Rider replied that the City now knows the cost and amount of assets needed to be transferred to LAGERS for administration of retiree benefits and the annual required contribution for the active employees and transfer of remaining assets.

Mayor Spewak added that Milliman will also provide costs for potentially upgrading benefits to the city's pension plans. This review and comparison of LAGERS to the current pension plans is being driven by the employees.

Council Member Fox moved approval of the proposal from Milliman in the amount of \$6,000.00 for comparison analysis of the City's pension plans and the valuation from LAGERS for the active employees and the administration of benefits for the retirees and deferred employees, seconded by Council Member Burroughs, which motion passed unanimously.

City Attorney: Ms. Seele reported on pending legislation. Several proposed bills include a cap on antenna fees of \$35 and restriction of cities' zoning authority, restricting cities from banning Airbnb and caps on all sales tax at 12%.

Committee Appointments: Mayor Spewak requested approval of the appointment of Dan Welsh as a permanent member of the Zoning Board of Adjustment and Robert Mueller as a member of the Storm Water Advisory Committee.

Council Member Hiemenz moved approval of the appointment of Dan Welsh as a permanent member of the Zoning Board of Adjustment and Robert Mueller as a member of the Storm Water Advisory Committee, seconded by Council Member Brennan, which motion passed unanimously.

Mayor Spewak announced public information meetings regarding Proposition A – the continuation of the out of state motor vehicle tax are scheduled for March 29th.

Mayor Spewak noted that the next Council meetings are scheduled for Monday, April 23, 2018 and Monday, May 21, 2018.

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 and employee matters under RSMo. Section 610.021 (1) and (3).

Council Member Howell moved to go into closed session for discussion of litigation, legal actions and/or any confidential or privileged communications from the City Attorney and employee matters pursuant to RSMo. 610.021 (1) and (3), seconded by Council Member Fox and the roll call vote thereupon was as follows:

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

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

The Mayor and Council went into closed session at 5:45 PM with Ms. Erin Seele, Ms. Anne Lamitola, Mr. Sam Zes and Ms. Laura Rider.

The Mayor and Council returned to open session at 6:03 PM with Ms. Erin Seele, Ms. Anne Lamitola, Mr. Sam Zes and Ms. Laura Rider.


Adjournment: Council Member Hiemenz moved adjournment, seconded by Council Member Burroughs, which motion passed unanimously. The meeting adjourned at 6:03 PM.

APPROVED THIS 23RD DAY OF APRIL, 2018.



Nancy Spewak, Mayor

ATTEST:



Laura Rider, City Clerk