

**CITY COUNCIL OF THE CITY OF LADUE  
ST. LOUIS COUNTY, MISSOURI  
MONDAY, AUGUST 16, 2021**

The meeting of the City Council of the City of Ladue, St. Louis County, Missouri, was held on Monday, August 16, 2021, at 4:00 p.m., at City Hall at 9345 Clayton Road. The following members were present:

The Hon. Nancy Spewak, Mayor, presided over the meeting.

Members of the Council present:

John Howell  
Stacey Kamps  
John Fox  
Patrick Hensley  
William Brennan  
Harold Burroughs

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; Ms. Andrea Sukanek, City Planner; Mr. Roger Stewart, Building Official and Ms. Erin Seele, City Attorney.

**Approval of the Agenda:** Council Member Fox moved approval of the agenda, upon second by Council Member Hensley the 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 July 19, 2021.

Council Member Brennan moved approval of the minutes as submitted for the Regular Meeting of July 19, 2021, upon second by Council Member Howell the motion passed unanimously.

**Presentation – Employee Service Awards**

Ms. Rider and Mayor Spewak presented a 5-year service award to Elizabeth Weimar, Court Administrator.

**Public Forum:** No one came forward to address the Mayor and Council.

**Public Hearing:**

**PH1:** The City Council of the City of Ladue 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 a massage therapy business in the G2

Zoning District. The property is located at 8820 Ladue Road.

The public hearing was opened upon motion by Council Member Hensley and second by Council Member Brennan.

Ms. Cheryl Fisher presented her application for a Special Use Permit to operate a business as a licensed massage therapist in a space at the RISE Collaborative Workspace at 8820 Ladue Road.

No one else came forward to speak.

Ms. Seele announced the public hearing notice, the application, Zoning and Planning file, the Code of Ordinances and Ordinance 1175 were available for viewing and part of the official record.

The public hearing was closed upon motion by Council Member Hensley and second by Council Member Howell.

Council Member Howell moved approval of the Special Use Permit issued to Cheryl Fisher to operate a massage therapy business at 8820 Ladue Road, upon second by Council Member Hensley the motion passed unanimously.

**PH2:** The City Council of the City of Ladue 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 the Ladue Public School District to construct a 10,460 square foot gymnasium addition at Conway School. The property is located at 9900 Conway Road in the D Residential Zoning District.

The public hearing was opened upon motion by Council Member Howell and second by Council Member Brennan.

Mr. Brandon Harp, with Civil Engineering Design Consultants, presented the plans for the addition on behalf of the Ladue School District. Mr. Harp stated the correct square footage for the gymnasium addition totals 11,660 square feet, the agenda mistakenly listed it as 10,460 square feet. He stated the gymnasium will serve as a storm shelter. The current gymnasium will be renovated and used for other purposes.

No one else came forward to speak.

Ms. Seele announced the public hearing notice, the application, Zoning and Planning file, the Code of Ordinances and Ordinance 1175 were available for viewing and part of the official record.

The public hearing was closed upon motion by Council Member Hensley and second by Council Member Howell.

Council Member Fox moved approval of the Special Use Permit issued to Ladue School District to construct a new gymnasium at Conway School, upon second by Council Member Brennan the motion passed unanimously.

**PH3:** The City Council of the City of Ladue 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 the Ladue Public School District to construct a 11,350 square foot gymnasium addition at Reed School. The property is located at 9060 Ladue Road in the C Residential Zoning District.

The public hearing was opened upon motion by Council Member Burroughs and second by Council Member Kamps.

Mr. Brandon Harp, with Civil Engineering Design Consultants, presented the plans for the addition on behalf of the Ladue School District. Mr. Harp stated this project is similar to the other project for a new gymnasium at Conway School. This gym will also be used as a storm shelter. Council Member Brennan asked if any federal money would be used on the project. Mr. Harp replied there was no federal money. The current gymnasium will be renovated for other purposes.

No one else came forward to speak.

Ms. Seele announced the public hearing notice, the application, Zoning and Planning file, the Code of Ordinances and Ordinance 1175 were available for viewing and part of the official record.

The public hearing was closed upon motion by Council Member Hensley and second by Council Member Brennan.

Council Member Hensley moved approval of the Special Use Permit issued to Ladue School District to construct a new gymnasium at Reed School, upon second by Council Member Brennan the motion passed unanimously.

**PH4:** The City Council of the City of Ladue will hold a public hearing on a recommendation submitted by the Zoning and Planning Commission that the City Council approves a text amendment to revise the Ladue Zoning Ordinance (Ordinance #1175), regarding regulation of wireless communication towers and antennas.

The public hearing was opened upon motion by Council Member Burroughs and second by Council Member Kamps.

Ms. Sukanek presented the text amendment which resulted from the Cellular Service Advisory Committee's recommendations, with some modifications. The purpose is to consolidate and simplify the code and eliminate certain restrictions that may be hindering the provision of good cellular service to residents. Ms. Sukanek reviewed the items under each recommendation and how the change was amended or included in the proposed ordinance. The specific changes are outlined below:

1. *Stealth Tower changed to a permitted use in any commercial or industrial district (with approval from ARB). Requirements for a Stealth Tower in a residential district shall remain the same.*

2. *Maximum height of Stealth Tower to be increased from 80 feet to 85 feet. Applicant may apply for a waiver from the Zoning and Planning Commission for additional height.*
3. *Eliminated the requirements that Stealth Towers must be within 5 feet of the nearby trees.*
4. *Concealed Antenna to be a permitted use in residential districts on any non-residential property (no minimum acreage). This is already a permitted use in commercial and industrial districts. Approval is subject to ARB review.*
5. *Small wireless antenna changed to an allowed use on a utility pole in any zoning district if it meets the following requirements: A new or modified Utility Pole shall not exceed fifteen (15) feet in height above the tallest existing Utility Pole within a ¼ mile radius of the proposed Utility Pole, or a height of 50 feet, whichever is greater.*
6. *The requirement that the antenna not be more than 15 feet above the highest power line on a utility pole shall be eliminated. (This requirement strictly limits the height of antennas. The Advisory Committee recommendations specifically mention eliminating this restriction to allow for higher antennas.)*
7. *An Antenna on a pole in the right-of-way or in a utility easement may be approved with a Special Use Permit if it does not meet the criteria to be a permitted use. Such utility poles may be approved by SUP up to a height of 70 feet. Additional height may be approved by the Zoning and Planning Commission "upon good cause shown."*
8. *Added definitions of Administrative Permit and made a few tweaks to the definitions, including the definition of Stealth Tower.*

Mayor Spewak added that the text amendment was a result of the work of Mr. Hiemenz, Mr. Reed and the entire Cellular Service Advisory Committee and based on feedback received from wireless providers.

Council Member Hensley inquired whether existing towers would be considered grandfathered. Ms. Seele opined that existing towers would fall under the grandfather rule, but, if decommissioned and taken down, after a certain amount of time, they would not be able to erect the same tower without completing the application process and went on to explain how and when state law preempts the City's regulations. Discussion turned to the definition of a stealth tower. Council Member Kamps asked if Ms. Sukanek felt that all issues had been addressed. Ms. Sukanek felt that the text amendment covered the majority of items the wireless providers brought forward.

No one else came forward to speak.

Ms. Seele announced the public hearing notice, the application, Zoning and Planning file, the Code of Ordinances and Ordinance 1175 were available for viewing and part of the official record.

The public hearing was closed upon motion by Council Member Fox and second by Council Member Brennan.

**Zoning and Planning Matters:**

**ZP1:** Referral to the Zoning and Planning Commission for review and recommendation of an application for a Special Use Permit for St. Louis County Library to redevelop their property at 1640 S. Lindbergh.

Ms. Sukanek presented the referral and stated St. Louis County Library has proposed a new building to house book collections, history and genealogy collections, a small business center and an 800-person event space. The new building consists of 78,180 square feet, slightly larger than the existing building. There was a question as to whether the genealogy collection was included in the new building in Frontenac. Ms. Amy Lugent, member of the library's design team, was present and confirmed that the genealogy component was taken out of the new administration building in Frontenac and will be housed at the new building in Ladue.

There being no further questions, Council Member Howell moved referral to the Zoning and Planning Commission for review and recommendation of the application for a Special Use Permit for St. Louis County Library to redevelop their property at 1640 S. Lindbergh, upon second by Council Member Brennan the motion passed unanimously.

**ZP2:** Referral to the Zoning and Planning Commission for review and recommendation of an application for amendment of the Special Use Permit issued to John Burroughs School to increase the enrollment cap from 650 to 675 students.

Ms. Sukanek presented the referral for an increase in the enrollment cap for John Burroughs School and noted there was no construction involved. Council Member Fox asked if an increase would have any effect on the parking requirements. Ms. Sukanek was fairly certain there would be no impact on the parking requirements but stated that she would review again to confirm and recommended referral to the Zoning and Planning Commission for review.

Council Member Hensley moved referral to the Zoning and Planning Commission for review and recommendation of increasing the enrollment cap for John Burroughs School, upon second by Council Member Brennan the motion passed unanimously.

**ZP3:** Referral to the Zoning and Planning Commission for review and recommendation of a proposed text amendment to the Zoning Ordinance regarding criteria for approval of subdivision gates.

Ms. Sukanek presented the referral and reported the Zoning and Planning Commission briefly discussed the topic of subdivision gates at their July meeting. According to the Zoning Ordinance gates are specifically discouraged, but a subdivision entry monument may include gates across a private road if such gates are specifically approved by the Zoning and Planning Commission.

Ms. Sukanek stated the Zoning and Planning Commission desires more specific criteria in the Code to know when they should or should not approve gates.

Recently, there have been more requests for installing subdivision gates for security reasons, but because of language in the comprehensive plan, the City has been reluctant to approve gates, especially if they are visible from roadways. The Zoning and Planning Commission has requested that this issue be referred for discussion of a text amendment to add criteria regarding the approval of subdivision gates.

Council Member Fox moved referral to the Zoning and Planning Commission for review and recommendation of a text amendment regarding criteria for approval of subdivision gates, upon second by Council Member Brennan the motion passed unanimously.

**ZP4:** Report regarding modifications to the process for referral of items to the Zoning and Planning Commission.

Ms. Sukanek reported that Ladue has been in the practice of requiring that Zoning and Planning agenda items go to City Council first to be referred to the Zoning and Planning Commission. This process came up for discussion at the most recent Zoning and Planning Commission meeting and the Commission suggested applicants would be better served if the process was more efficient with the elimination of the City Council referral step. The referral step by City Council is not required in the City's zoning code or subdivision code, nor is it a standard practice in other communities. The items that need to go to the Zoning and Planning Commission are Special Use Permits, Subdivisions that create at least four lots, and Amendments to the Zoning Code. This is described in the code and there is very seldom a lack of clarity regarding whether something should be reviewed by the Zoning and Planning Commission. All these applications would go to the City Council for a final decision after being reviewed by Zoning and Planning.

Ms. Sukanek reported It has been suggested that instead of the referral process, there would be a report filed to City Council that would describe the items that have been placed on the upcoming Zoning and Planning agenda to ensure that the City Council is fully informed about such matters. The City Council would have the opportunity to ask questions and make comments during the presentation of that report.

Council Member Fox stated he felt that foregoing the referral step would be acceptable as long as the Council was informed of items on upcoming Zoning and Planning agendas.

**New Business:**

**Proposed Legislation:**

No. 2272 – An ordinance calling for a proposition to be placed on the ballot of the election to be held in the City of Ladue, St. Louis County, Missouri, on Tuesday, November 2, 2021, at which time the qualified voters of the City of Ladue will vote on a proposition to authorize the City Council to increase the tax rate on residential classification of property by \$0.30 on each \$100.00 of assessed valuation, and designating the St. Louis County Board of Election Commissioners to conduct such election in compliance with State Statute requirements and the Revised Missouri Election Laws.

Mayor Spewak read Bill No. 2272 followed by a second reading by Council Member Hensley.

Mayor Spewak read the following statement aloud:

*For 85 years, the residents of the City of Ladue have worked hard to retain our beautiful neighborhoods, and professional public safety services that provide life-saving support for the people of this great community.*

*As stewards of the City of Ladue, it is our responsibility to manage the limited resources in the most cost-effective and efficient manner and sustain a healthy fund balance that allows the city to get through uncertain economic times. Over the years, we have worked diligently to reduce expenses and increase revenue streams in ways that don't require additional tax burdens on residents.*

*The negative impact of COVID-19 has been serious for the City of Ladue, as it has been for cities, counties and states across our great nation. We have reached a time in our city's history where our current revenues won't sustain the increasing costs of operating a first-class city in the way our residents expect.*

*Today, the City Council and I announce that a property tax increase initiative will be placed on the November 2, 2021, ballot for Ladue residents. The city has not had a property tax increase in 17 years. While no one likes to pay higher taxes, including all of us here this evening, we can no longer outrun the rising costs it takes to provide the public services residents expect from the City of Ladue.*

*We are asking Ladue residents to vote on an increase of \$0.30 per \$100 assessed valuation on the residential property tax rate beginning in 2022, not to exceed \$1.00 per \$100 of assessed valuation.*

*For the next several months, we will be working with the community to educate residents on the need for this increase and the consequences of not passing the proposition. We will be holding community meetings, sharing information on the city's website and social media outlets. Please feel free to contact your City Council members or me if there are any questions.*

Mayor Spewak estimated that additional revenue generated by the tax increase would last three to five years, which was the intent of the last increase in 2004. The increase is needed to pay for public safety which includes police, fire and public works. Education materials will include examples of the average amount of increase in taxes. Mr. Zes cited an example of a property with \$1 million appraised value with an assessed value of \$190,000 would result in \$570 additional tax

revenue to the City of Ladue. Mr. Zes pointed out that the additional revenue will go to the General Fund, not to any of the designated funds.

Council Member Brennan moved approval of Bill No. 2272. Upon second by Council Member Burroughs the roll call vote thereupon was as follows:

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

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

**Bill No. 2273** – An ordinance to amend Ordinance 1175 – The Zoning Ordinance of the City of Ladue, St. Louis County Missouri regarding wireless communications regulations.

Mayor Spewak read Bill No. 2273 followed by a second reading by Council Member Fox.

Council Member Hensley moved approval of Bill No. 2273. Upon second by Council Member Kamps the roll call vote thereupon was follows:

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

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

**Bill No. 2274** – An ordinance approving a Rights-of-Way Use Agreement, Settlement, and Release for Communications Facilities with Level 3 Communications LLC.

Mayor Spewak read Bill No. 2274 followed by a second reading by Council Member Brennan.

Ms. Seele reported that this situation is similar to the situation a few years ago with MCI where they had an expired agreement with the City. Ms. Seele's firm had been negotiating with Level 3 Communications to get an agreement in place and settle with the City for not making required payments. Just over \$600,000 will be paid to the City.

Council Member Howell moved approval of Bill No. 2274, upon second by Council Member Hensley the roll call vote thereupon was follows:



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

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

**Resolution No. 2021-39** – A resolution authorizing the Mayor to authorize on behalf of the City of Ladue, Missouri a contract with Jurgiel & Associates, Inc. for asbestos & lead survey, sampling and detailed report of the Building Department and Public Works Locker Room/Lunchroom Remodel.

Mr. Stewart presented the resolution and reported that during the planning stage with the architect they reviewed the asbestos report that had been performed in 1997, which revealed that asbestos located in the Building Department had been only partially abated. Mr. Stewart stated the architect recommended Jurgiel & Associates, to conduct a survey, sampling and prepare a detailed report. The report will then be used to obtain bids for remediation. Mr. Stewart reported the cost of the survey, sampling and report will be within the project budget.

Council Member Fox moved adoption of Resolution No. 2021-39, upon second by Council Member Burroughs the motion passed unanimously.

**Resolution No. 2021-40** – A resolution authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a contract with Bradford Systems Corporation for installation of Spacesaver Mechanical Assist Mobile Shelving System in the City Hall Records Vault.

Ms. Rider presented the resolution and stated the 2021 Capital Budget included funds of \$25,000.00 for a modern mobile shelving system. She reported the existing shelving system in the records vault was original to the building and had stationary shelving two rows deep. The stationary shelving prohibits access to the second row and limits storage capacity. The proposed system includes stationary and mobile shelves and will increase storage capacity by 40% with secure locking mechanisms for storage of confidential records. Ms. Rider explained that Bradford Systems was awarded the state contract for furniture and fixtures and submitted a proposal for \$18,161.77 using state bid pricing.

There being no questions Council Member Brennan moved adoption of Resolution No. 2021-40, upon second by Council Member Howell the motion passed unanimously.

**Resolution No. 2021-41** – A resolution authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a professional services contract with Tech Electronics, Inc. for purchase of network equipment and programming and engineering services related to the new phone system lease.

Ms. Rider presented the resolution and reported that the Council had approved a contract with Tech Electronics in February 2021 for a phone equipment lease and voice plan. Subsequent to a site survey it was determined that upgraded network equipment was required which will need programming and network configuration.

Ms. Rider stated that Tech Electronics submitted two separate proposals. The first proposal covered the purchase of equipment at a cost of \$9,997.00 and the second proposal was for programming and engineering services at a cost of \$7,150.00. Ms. Rider stated the budget amount for the phone system lease is \$10,000.00. The other project that she sought approval for under Resolution No. 2021-40, the shelving system cost is \$18,161.77 with a budget amount of \$25,000.00. Ms. Rider explained that while the phone system project costs more than the budget amount by \$7,147.00, the shelving system cost is under budget by \$6,838.23, so the two projects will offset each other by a difference of \$308.77.

There being no questions Council Member Burroughs moved adoption of Resolution No. 2021-41, upon second by Council Member Brennan the motion passed unanimously.

#### **Financial Matters:**

The Mayor and Council reviewed the report of the Finance Director regarding significant financial transactions. The Mayor ordered the report filed for information.

The Mayor and Council reviewed the Vouchers for Payment for the month of July 2021. Council Member Howell moved their approval, upon second by Council Member Burroughs the motion passed unanimously.

The Mayor and Council reviewed the Collector's Report for July 2021. The Mayor ordered the report filed for information.

The Mayor and Council reviewed the Treasurer's Report for July 2021. The Mayor ordered the report filed for information.

The Mayor and Council reviewed the Cash Flow Report for July 2021. The Mayor ordered the report filed for information.

The Mayor and Council reviewed the Delinquent Real Estate Tax Report for July 2021. The Mayor ordered the report filed for information.

#### **Department Reports:**

**Fire Department:** The Mayor and Council reviewed the Fire Department Activity Report for July 2021. The Mayor ordered the report filed.

Chief Lynn presented a request for authorization to purchase fire hose nozzles, noting this was a budgeted expense and that Banner Fire Equipment, Inc. submitted the lowest bid at \$21,974.00.

Council Member Hensley moved authorization for the Fire Chief to purchase fire hose nozzles from Banner Fire Equipment, Inc. at a cost of \$21,974.00, upon second by Council Member Brennan the motion passed unanimously.

**Police Department:** The Mayor and Council reviewed the Police Department Activity Report for July 2021. The Mayor ordered the report filed.

Chief Andreski reported that the Police Department had passed the last phase of the accreditation process.

**Public Works Department:** The Mayor and Council reviewed the Public Works Report for July 2021. The Mayor ordered the report filed for information.

**Building Office:** The Mayor and Council reviewed the Building Office Report for July 2021. The Mayor ordered the report filed.

**Municipal Court:** The Mayor and Council reviewed the Municipal Court Report for July 2021. The Mayor ordered the report filed.

**Administration/City Clerk:** The Mayor and Council reviewed the Administration Department Report.

Mayor Spewak announced the City was making plans for an 85<sup>th</sup> anniversary celebration in September.

**City Attorney:** Ms. Seele had nothing new to report at the time.

Mayor Spewak noted the next Council meetings were scheduled for Monday, September 20, 2021 and Monday, October 18, 2021.

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 pursuant to RSMo. Section 610.021 (1), (3).

Council Member Brennan 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), (3), upon second by Council Member Kamps the roll call vote there upon was as follows:

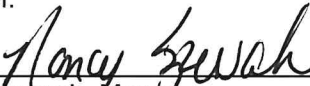
Council Member Kamps	"Aye"
Council Member Hensley	"Aye"
Council Member Burroughs	"Aye"
Council Member Fox	"Aye"
Council Member Brennan	"Aye"
Council Member Howell	"Aye"

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

The Mayor and Council went into closed session at 5:00 PM with Ms. Erin Seele, Chief Ken Andreski, Jr., Ms. Anne Lamitola, Mr. Sam Zes and Ms. Stacey Mann.

The Mayor and Council returned to open session at 5:32 PM with Ms. Erin Seele and Chief Ken Andreski, Jr.

**Adjournment:** Council Member Burroughs moved adjournment, upon second by Council Member Howell, the motion passed unanimously. The meeting adjourned at 5:32 P.M.

  
\_\_\_\_\_  
Nancy Spewak, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Stacey Mann, City Clerk