

**CITY COUNCIL OF THE CITY OF LADUE
ST. LOUIS COUNTY, MISSOURI
MONDAY, MAY 15TH, 2023**

The meeting of the City Council of the City of Ladue, St. Louis County, Missouri, was held on Monday May 15th, 2023, at 4:00 p.m., at City Hall, 9345 Clayton Road. The following members were present:

The Hon. Nancy Spewak, Mayor, presiding.

Members of the Council present:

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

Six Council Members present.

Also, present Police Chief Ken Andreski; Fire Chief Steven Lynn; Mr. Paul Garlock, Building Official; Ms. Lamitola, Director of Public Works; Mr. Scott Kroenung, Director of Finance; Ms. Andrea Sukanek, City Planner; Ms. Erin Seele, City Attorney; and Ms. Stacey Mann, City Clerk.

Approval of the Agenda: Mayor Spewak requested that the agenda be amended to add the consideration of the appointment of Kathleen Riordan to the Public Works Committee under Committee Reports. Council Member Fox moved to approve the agenda as amended, upon second by Council Member Howell 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 or Closed Meetings of April 17th, 2023, or additional corrections to the Special Meeting of April 27, 2023.

Council Member Hensley moved approval of the minutes as submitted; upon second by Council Member Brennan, the motion passed unanimously.

Public Forum:

None.

Public Hearing:

PH1: The City Council of the City of Ladue will hold a Public Hearing regarding a request for a proposed amendment to Ordinance 1175 zoning approval process for planned mixed use developments.

Mayor Spewak stated that this item was before the Council at their February 21st, 2023, and April 17, 2023, meetings.

Ms. Sukanek stated that based on Council feedback at the April 17th, 2023, meeting, she has amended the proposed ordinance to only allow mixed-use developments within the G-2 District.

Discussion was held on the consideration of apartments and condominiums, and the appropriate minimum size of each proposed residential unit.

Council directed the City Planner to gather additional information on the average size of residential apartments and condominiums in high end luxury developments.

Council Member Fox moved to continue the public hearing until June 20th, 2023, with second by Council Member Kamps the motion passed unanimously.

PH2: The City Council of the City of Ladue will hold a Public Hearing regarding a proposed amendment to Sections III, VII, and XVI of the Ladue Zoning Ordinance 1175 regarding recreational marijuana facilities.

Mayor Spewak stated that this item was before the Council at their April 17, 2023, meeting, and was continued for further review. Mayor Spewak requested a motion to continue this item to the June 20, 2023, City Council Meeting to allow for additional time for review.

Council Member Hensley moved to continue the Public Hearing until the June 20th, 2023, City Council meeting; upon second by Council Member Burroughs, the motion passed unanimously.

PH3: The City Council of the City of Ladue will hold a Public Hearing regarding a proposed amendment to the Ladue Zoning Ordinance 1175 related to coverage of the side yard in the C, D, and E Zoning Districts.

Council Member Fox moved to open the public hearing, with second by Council Member Brennan the motion passed unanimously.

Ms. Sukanek stated that upon review it was realized that a majority of lots in the C, D, and E districts do not meet the side coverage restrictions. Ms. Sukanek furthered that the amendment would change the total coverage of the combined areas of both side yards in the C, D and E districts from 25% to 30%.

Ms. Seele announced that the notice for the hearing, the entire Code of Ordinances including Ordinance 1175, the entire file including the application, Zoning & Planning Commission recommendation and staff report was available and made part of the official record.

Council Member Howell moved to close the public hearing, with second by Council Member Burroughs the motion passed unanimously.

New Business:

Proposed Legislation:

Bill 2330-A: An ordinance to amend Ordinance 1175 – the Zoning Ordinances of the City of Ladue, St. Louis County, Missouri to

create a zoning approval process for planned mixed-use developments.

Mayor Spewak declared Bill 2330-A as continued.

Bill 2335: An ordinance to amend Section III, VII, and XVI of Ordinance 1175 the Zoning Ordinances of the City of Ladue, St. Louis County, Missouri, regarding recreational marijuana facilities.

Mayor Spewak declared Bill 2335 as continued.

Council Member Burroughs moved to extend the interim stay of acceptance of applications for marijuana facilities through June 20th, 2023; upon second by Council Member Howell, the motion passed unanimously.

Bill 2336: An ordinance ordering the installation of one (1) fire hydrant in the City of Ladue, St. Louis County, Missouri

Mayor Spewak read Bill No. 2336 followed by a second reading by Council Member Brennan.

Council Member Howell moved for approval of Bill No. 2336. Upon second by Council Member Brennan the roll call vote thereupon was as follows:

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

Bill 2337: An ordinance regarding the granting of an easement to Metropolitan St. Louis Sewer District (MSD), at Deer Creek Preserve, located at 9810 S. Forty Drive, for intended use as a storm sewer easement.

Mayor Spewak read Bill No. 2337 followed by a second reading by Council Member Hensley.

Council Member Burroughs moved for approval of Bill No. 2337. Upon second by Council Member Hensley the roll call vote thereupon was as follows:

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

Bill 2338: An ordinance approving the subdivision plat for "Dowd Subdivision – Summit Tract Consolidation Plat".

Mayor Spewak read Bill No. 2338 followed by a second reading by Council Member Howell.

Mayor Spewak asked for a status update on the cell tower located on the property. Ms. Sukanek stated that there is currently a lease in place, but the tower is no longer being utilized. Ms. Seele stated that the code requires that the tower be removed if it has been abandoned.

Council Member Kamps asked if there are any plans for the development of the site. Ms. Sukanek stated that they are in discussions with the developer, but no plans have been submitted at this time.

Following discussion, the Council directed the applicant to resubmit the proposed plat under one name.

Council Member Burroughs moved for continuance of Bill No. 2338 with second by Council Member Brennan the motion passed unanimously.

Bill 2339: An ordinance to amend Ordinance 1175 – the Zoning Ordinances of the City of Ladue, St. Louis County, Missouri regarding side yard coverage in the C, D, and E Zoning Districts.

Mayor Spewak read Bill No. 2339 followed by a second reading by Council Member Burroughs.

Council Member Burroughs moved for approval of Bill No. 2339. Upon second by Council Member Hensley the roll call vote thereupon was as follows:

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

Resolution 2023-16: A resolution authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a maintenance agreement with Metropolitan St. Louis Sewer District for the required best management practices (BMPs) for the Deer Creek Preserve property located at 9810 S. Forty Drive.

Council Member Howell moved to adopt Resolution No. 2023-16, with second by Council Member Brennan the motion passed.

Resolution 2023-17: A resolution authorizing the Mayor to authorize on behalf of the City of Ladue, Missouri a work order with Horner & Shifrin for engineering consultant services under the on-call professional services contract for the transportation alternatives program (TAP) application for the South 40 Drive shared use path (Tall

Timers to Rolling Rock) and signal improvements (South 40 Drive at Clayton Road)

Council Member Hensley moved to adopt Resolution No. 2023-17, with second by Council Member Brennan the motion passed.

Financial Matters:

The Mayor and Council reviewed the Vouchers for Payment for the month of April 2023. Council Member Fox moved their approval, upon second by Council Member Hensley the motion passed unanimously.

The Mayor and Council reviewed the Collector's Report for April 2023. The mayor ordered the report filed for information.

The Mayor and Council reviewed the Treasurer's Report for April 2023. The mayor ordered the report filed for information.

The Mayor and Council reviewed the Cash Flow Summary for April 2023. The mayor ordered the report filed for information.

The Mayor and Council reviewed the Delinquent Real Estate Tax Report for April 2023. The mayor ordered the report filed for information.

The Mayor and Council reviewed the Investments Report for April 2023. The mayor ordered the report filed for information.

Committee Reports

C-1 Request for approval of a renewal with Cigna for Employee Medical Insurance.

C-2 Request for approval of a renewal with Mutual of Omaha Employee Dental Insurance.

Mr. Kroenung stated that the Insurance Committee continues to review proposals for Property and Casualty insurance, cybersecurity, and workers compensation, but did recommend that the City move forward with proposals from Cigna and Delta Dental. Mr. Kroenung stated that there was a 4% increase in premiums with Cigna. Mr. Kroenung explained that currently the Dental Plan was through Mutual of Omaha but was seeking a 3% increase in premiums, while Delta Dental provided a proposal that had a 0.9% increase from current premiums. Mr. Kroenung added that an 8-10% increase was budgeted.

Council Member Burroughs moved approval of a renewal with Cigna for Employee Medical Insurance as recommended by the Insurance Committee, upon second by Council Member Fox the motion passed unanimously.

Council Member Howell moved approval of a renewal with Delta Dental for employee dental insurance as recommended by the Insurance Committee, upon second by Council Member Burroughs the motion passed unanimously.

Committee Appointments

Mayor Spewak requested approval of the following appointments:

- Ed Horn to the Board of Fire and Police Commissioners for a three-year term.
- Kathleen Riordan to the Public Works Committee for a three-year term.

Council Member Fox moved to approve the appointment of Ed Horn to the Board of Fire and Police Commissioners for a three-year term, with a second by Council Member Brennan the motion passed unanimously.

Council Member Howell moved to approve the appointment of Kathleen Riordan to the Public Works Committee for a three-year term, with a second by Council Member Kamps the motion passed unanimously.

Reports of Various Board & Commission Meetings

The Mayor and Council reviewed the reports of various Board & Commission Meetings held between April 6th, 2023, and May 2nd, 2023. The mayor ordered the reports filed for information.

Department Reports:

Fire Department: The Mayor and Council reviewed the Fire Department Activity Report for April 2023. The mayor ordered the report filed.

Declaration of Surplus Equipment

Council Member Hensley moved to declare the items listed in the memo dated May 15, 2023, by Chief Lynn, as surplus equipment and authorized the donation of the items, with a second by Council Member Howell the motion passed unanimously.

Purchase of Physio LifePak 15 – SFY 2023 ARPA EMSPG Grant Award

Council Member Brennan moved to authorize the purchase of LifePak Cardiac Monitors, with a second by Council Member Hensley the motion passed unanimously.

Police Department: Mayor and Council reviewed the Police Activity Report for the period April 1st - April 30th, 2023. The mayor ordered the report filed.

Municipal Court: Mayor and Council reviewed the report of the Municipal Court for April 2023. The mayor ordered the report filed.

City Attorney: Nothing to report currently.

Administration:

Election of "Acting President of the Council" as prescribed by the Ladue Code of Ordinances Section 2-40

Council Member Brennan moved to elect Council Member Fox as Acting President of the Council, upon second by Council Member Hensley, the motion carried unanimously.

Public Works & Building: Mayor and Council reviewed the report of the Director of the Public Works Department for April 2023. The mayor ordered the report filed.

Mr. Garlock reported that in comparison to April 2022 numbers we are down 44% in building permit fees but continue to be busy with projects smaller in scope and cost. Mr. Garlock stated that preliminary floodplain maps should be received in the next month.

Ms. Lamitola provided an update on homes in Ladue that have been impacted by flooding.

Deerfield/Wakefield Stormwater Infrastructure Improvement Status Update

Lloyd Palans, Chairman of the Storm Water Advisory Committee, provided an update on the Deerfield/Wakefield Stormwater Project.

Mr. Palans stated that the stormwater ordinance was founded upon consensual agreement being obtained for easements from all affected parties. Mr. Palans furthered that the ordinance provided a manner in which projects were ranked based on numbers of residents that would benefit from improvements in the most cost-effective way. Mr. Palans explained that the Deerfield/Wakefield project ranked high on the list of priority projects.

Mr. Palans explained that in November 2022 the City still had a number of easements to obtain in order to proceed with construction. Later in the year, MSD eliminated a ponding easement, which reduced the number of necessary easements to acquire from eleven down to four. As of April 6, 2023, a verbal agreement has been reached with one property owner, but the City has not yet been able to come to an agreement with owners of properties: 34 Deerfield Terrace, 25 Deerfield Terrace, and 29 Deerfield Terrace. Mr. Palans explained that there is a marital dispute at 34 Deerfield Terrace which may resolve, and that 25 Deerfield Terrace would only agree to executing the easement if they received payment in the amount of \$20,000. Mr. Palans furthered that 29 Deerfield Terrace refused to provide the easement on any terms. Mr. Palans added that in addition to obtaining these necessary easements, a total of 72 signatures will be needed to move forward with the project, which will be difficult.

Mr. Palans explained that the ordinance states that during the course of a project if there is a failure to reach an agreement with the impacted parties, the stormwater committee may place the project on inactive status and move on to the next storm water project.

Mark Lawson, 4 Danfield Road, encouraged Council to continue to work towards a solution. Mr. Lawson stated that during the May 14, 2023, storms there was a significant amount of flooding, and with the number of homes affected that the City should continue to work to fix the problem.

Erin Budke, 32 Daniel Road, stated that the flooding she has experienced has been traumatizing for her family. She asked why the City had not yet considered eminent domain in order to protect her and other adjacent homes.

Mark Ratterman, 1 Trails End Ln, stated that he is a trustee for Trails End, and that flooding has increased significantly over the past ten years.

Phillip Delano, 10 Wakefield, asked why the City has spent over \$550,000 in designing the Deerfield/Wakefield project, without consultation of the residents. Mr. Delano stated that he will lose mature trees over the course of this project, and that he was not in favor of the construction noise, or his yard being impacted over the course of a few years.

Felix Ungacta, 38 Deerfield Terrace, stated that he was unaware of the stormwater issues when he purchased the home but has experienced significant flooding inside the home. Mr. Ungacta stated that some residents are impacted more than others, and the City might consider other plans that are being presented. Mr. Ungacta stated that the design has significantly changed since the residents were first notified of the plan.

Mr. Palans stated that the City is estimated to spend around six million dollars on this project, with the acquisitions of other properties it will be around eight million dollars.

Mayor Spewak stated that the City has invested around \$550,000, necessary to determine the feasibility of the project, not just for design. Mayor Spewak furthered that stormwater is a responsibility of the utility companies, and when it was apparent that utility was either unable or unwilling to create a solution, the city stepped in to aid the public utility with the stormwater tax and plan.

Let the record reflect that Council Member Howell left the meeting at 5:28 p.m.

Closed Session: Mayor Spewak advised there were items for discussion in executive session to discuss matters relating to litigation, legal actions and/or communications from the City Attorney as provided under section 610.021 (1) RSMO.

Council Member Kamps moved to enter into closed session to discuss matters relating to litigation, legal actions and/or communications from the City Attorney as provided under section 610.021 (1) RSMO.; upon second by Council Member Brennan the roll call vote there upon was as follows:

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

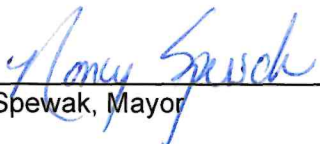
There being five aye votes and zero nay votes the motion passed unanimously.

The council went into closed session at 5:42 p.m. with Chief Andreski, Chief Lynn, Stacey Mann, Lloyd Palans, Anne Lamitola, Erin Seele, and Greg Dohrman.

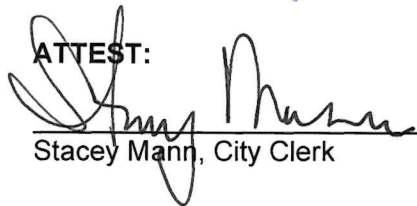
The council returned to open session at 6:24 p.m. with Chief Andreski, Chief Lynn, Stacey Mann, Lloyd Palans, Anne Lamitola, Erin Seele, and Greg Dohrman

Adjournment: Council Member Fox moved adjournment, with second by Council Member Brennan the motion passed unanimously. The meeting was adjourned at 6:24 p.m.

APPROVED THIS 20th DAY OF JUNE 2023.



Nancy Spewak, Mayor

ATTEST:


Stacey Mann, City Clerk