

**TENTATIVE AGENDA
MEETING OF THE CITY COUNCIL
CITY OF LADUE, MISSOURI
COUNCIL CHAMBERS
9345 CLAYTON ROAD
LADUE, MISSOURI 63124
MONDAY, DECEMBER 18, 2017
4:00 P.M.**

The Hon. Nancy Spewak, Mayor, to preside and call the meeting to order.

Adoption and Approval of the Agenda.

Approval of the Minutes: Minutes of the Work Session, Regular and Closed Meetings of November 20, 2017.

Public Forum: The Mayor will recognize any visitors who wish to address the Mayor and Council on City matters. **(Speakers will be limited to 3 minutes)**

Public Hearings:

PH1: The City Council will hold a public hearing on the report of the Finance, Revenue and Taxation Committee recommending the City's proposed budget for the year January 1, 2018 – December 31, 2018.

Zoning and Planning Matters:

ZP1: Referral to the Zoning and Planning Commission for a text amendment to Section V.G. (2) of the Zoning Ordinance allowing the surface of a swimming pool to be considered 50% pervious.

ZP2: Referral to the Zoning and Planning Commission for text amendments to Sections IV and V of the Zoning Ordinance to include the following:

- Establish better definitions for setbacks for irregular lots
- Examine lot coverage percentages per yard
- Allow rear setbacks instead of front yard setbacks for yards on inaccessible roads
- Tweak the definitions and uses of the word "yard" in the Code to establish consistent enforcement of zoning restrictions.
- Examine the height and setbacks of accessory structures in Residential Districts C, D, E and E1
- Establish a permit procedure and building restrictions for chickens
- Establish a permit procedure and restrictions for solar panels

Old Business: None

New Business:

Proposed Legislation:

Bill No. 2171 – An ordinance ordering the installation of one (1) fire hydrant in the City of Ladue, St. Louis County, Missouri.

Bill No. 2172 – An ordinance authorizing the execution of an agreement between the Cities of Ladue and Richmond Heights for the Lay Road Sidewalk and Road Improvements, pertaining specifically to the pavement rehabilitation work within the Municipal Boundaries of the City of Richmond Heights.

Bill No. 2173 – An ordinance adding an offense to Chapter 62 of the City of Ladue Code of Ordinances to prohibit window peeping.

Financial Matters:

F-1 Report of the Finance Director regarding significant items in the financial reports.

- a. Request for approval of amendments to the 2017 Budget.

- F-2 The Mayor and Council to review and approve the Vouchers for Payment for the month of November 2017.
- F-3 The Mayor and Council to review the combined Treasurer's and Collector's Report for November 2017.
- F-4 The Mayor and Council to review the Financial Report for November 2017.
- F-5 The Mayor and Council to review the Cash Flow Summary for November 2017.
- F-6 The Mayor and Council to review the Land Lots and Delinquent Tax List.

Department Reports:

- D-1 **Fire Department:** Mayor and Council to review the Fire Department Activity Report for the month of November 2017.
- D-2 **Police Department:** Mayor and Council to review the Police Activity Report for the period of January 1 – November 30, 2017.
 - a. Request for approval for the Police Chief to purchase one 2017 Ford Explorer with police package from Bommarito Ford at a cost of \$28,257.00 (net cost of \$624.00 to the City after insurance proceeds for damaged vehicle).
- D-3 **Public Works:** Mayor and Council to review the report of the Director of the Public Works Department.
 - a. Building Office report for the period through November 2017.
- D-4 **Municipal Court:** Mayor and Council to review the report of the Municipal Court for November 2017.
- D-5 **Administration/City Clerk:**
 - a. Report from the City Attorney.
- D-6 **Committee Appointments:**
 - a. Request for approval of reappointment of members to various City committees and boards.

Adjournment: Next meeting dates: Tuesday, January 16, 2018 and Tuesday, February 20, 2018.

Note: Pursuant to Section 610.022 RSMO., the City Council could vote to close the public meeting and move to 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. and/or personnel matters under section 610.021 (13) RSMO. and/or employee matters under section 610.021 (3) RSMO. and/or real estate matters under section 610.021 (2).

Posted Date:

12/14/17

Time: 2:40 PM

By:

J. Rider

CITY OF LADUE
NOTICE OF PUBLIC HEARING
PROPOSED BUDGET FOR FISCAL YEAR ENDING DECEMBER 31, 2018

A Public Hearing on a proposed budget for the fiscal year beginning January 1, 2018, and ending December 31, 2018 will be held before the Ladue City Council at 4:00 p.m. on December 18, 2017, at the City Hall, 9345 Clayton Road, Ladue, Missouri. Citizens attending the Public Hearing shall have the right to provide written and oral comments and to ask questions concerning the entire budget. The proposed budget is as follows:

ITEM	GENERAL FUND	RD & BRDG FUND	CAP IMP FUND	STRM WTR FUND	PUBLIC SAFETY FUND	TOTAL
PROJECTED FUND BALANCE 12/31/17	\$11,357,017	\$2,597,169	\$1,346,559	\$8,735,872	\$20,000	\$24,056,618
REVENUE						
TAXES	7,624,748				400,000	\$8,024,748
LICENSES & PERMITS	1,024,923	36,000				\$1,060,923
INTERGOVERNMENTAL	2,308,920	888,800	893,200	1,103,991		\$5,194,911
CHARGES FOR SERVICES	431,645					\$431,645
FINES & FORFEITS	220,400					\$220,400
INTEREST	71,600	2,525		21,210		\$95,335
MISCELLANEOUS AND GRANTS	99,037	840,913	6,000	148,397		\$1,094,347
TOTAL REVENUE	\$11,781,273	\$1,768,238	\$899,200	\$1,273,597	\$400,000	\$16,122,309
INTERFUND TRANSFERS*						
ROAD & BRIDGE/STORM WATER	\$648,769	(\$487,496)		(161,273)		\$0
PUBLIC SAFETY FUND	\$160,000		\$114,000		(274,000)	\$0
EXPENDITURES						
ADMINISTRATIVE	996,370		254,850			\$1,251,220
POLICE	4,681,955		260,560		198,000	\$5,140,515
FIRE	5,340,795		315,527		76,000	\$5,732,322
PUBLIC WORKS	1,644,286	487,496	404,731	161,273		\$2,697,786
BUILDING	618,846		93,200			\$712,046
FINANCE	293,723					\$293,723
STORM WATER				1,228,261		\$1,228,261
ROAD & BRIDGE		1,308,504				\$1,308,504
CAPITAL ACQUISITIONS			0	1,813,577		\$1,813,577
DEBT SERVICE			464,911			\$464,911
TOTAL EXPENDITURES	\$13,575,976	\$1,796,000	\$1,793,779	\$3,203,111	\$274,000	\$20,642,865
OPERATING SURPLUS (DEFICIT)	(985,933)	(515,258)	(780,579)	(2,090,787)	(148,000)	(\$4,520,557)
TRANSFER- CAPITAL (DEBT SERVICE)**	(1,000,000)		1,000,000			\$0
NET FUND ACTIVITY FOR 2018	(\$1,985,933)	(\$515,258)	\$219,421	(\$2,090,787)	\$126,000	(\$4,520,557)
PROJECTED FUND BALANCE 2018	\$9,371,084	\$2,081,911	\$1,565,980	\$6,645,085	\$146,000	\$19,536,061
TOTAL EST. RESERVES 12/31/2018	\$9,371,084	\$2,081,911	\$1,565,980	\$6,645,085	\$146,000	\$19,536,061

*Inter-fund Transfers are evaluated in a detailed worksheet documenting department activity. A copy of the worksheet is available by calling city hall.

** Transfer to Capital Fund for debt service of the new firehouse.

BILL NO. 2171

ORDINANCE NO. _____

AN ORDINANCE ORDERING THE INSTALLATION OF ONE (1) FIRE HYDRANT IN THE CITY OF LADUE, ST. LOUIS COUNTY, MISSOURI.

WHEREAS, this bill having been made available for public inspection prior to its consideration by the City Council and read by title two times in open meeting prior to its passage.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LADUE, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. That the Missouri – American Water Company, in accordance with the terms and provisions of Franchise Contract Ordinance No. 988 made between the City of Ladue and the Missouri – American Water Company, shall install one additional fire hydrant in the City of Ladue at the following prescribed location:

One (1) hydrant to be located 13’ west of the center line of East Ladue Lane at a point approximately 308’ feet south of the intersection of Ladue Lane and East Ladue Lane.

Section 2. The exact location of the above-named hydrant, however, will be determined on the ground at a point designated by the Fire Chief of the City of Ladue before the hydrant is installed.

Section 3. All of said work shall be done under the supervision of the Council of the City of Ladue, or its proper representative, and, for the purpose of this Ordinance, the Missouri – American Water Company is hereby given permission to make all necessary excavations for proper execution of this work.

Section 4. Nothing herein shall be deemed to grant any property interest in the above fire hydrant nor shall the City have any maintenance obligations concerning said fire hydrant.

Section 5. This ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED THIS _____ DAY OF _____, 2017.

President, City Council

ADOPTED AND APPROVED THIS _____ DAY OF _____, 2017.

Nancy Spewak, Mayor

ATTEST:

Laura Rider, City Clerk

BILL NO. 2172

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE CITIES OF LADUE AND RICHMOND HEIGHTS FOR THE LAY ROAD SIDEWALK AND ROAD IMPROVMENTS, PERTAINING SPECIFICALLY TO THE PAVEMENT REHABILITATION WORK WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF RICHMOND HEIGHTS.

WHEREAS, the City of Ladue has obtained Federal Funds and is the project sponsor for improvements on Lay Road between Clayton Road and South McKnight Road, including pavement rehabilitation in a project known as STP-5529(613);

WHEREAS, the municipal boundary between the City of Ladue and the City of Richmond Heights, within the limits of the Lay Road Improvement project, is located at the approximate centerline of Lay Road from Clayton to South McKnight;

WHEREAS, the City of Ladue and the City of Richmond Heights desire to enter into an agreement to outline how expenditures for Lay Road Improvements within the City of Richmond Heights will be funded and reimbursed;

WHEREAS, this project is in the process of being designed and will be constructed in compliance with the provisions of the STP Program Agreement that the City of Ladue and the Missouri Highways and Transportation Commission have executed;

WHEREAS, Chapter 70 of the Revised Statutes of Missouri authorizes joint exercise by two or more local governments of any power common to them;

WHEREAS, it is the desire of the signatories hereto to enter into the agreement on behalf of the interest of its citizens; and

WHEREAS, a copy of this bill has been made available for public inspection prior to its consideration by the Council and read by title two times in an open meeting prior to passage.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LADUE, MISSOURI, AS FOLLOWS:

SECTION 1. The Mayor of the City of Ladue is hereby authorized to enter into an agreement with the City of Richmond Heights, attached hereto in substantially the form as Exhibit A.

SECTION 2. The terms of this Ordinance shall become effective upon its passage by the City Council and its execution by the City of Richmond Heights as provided by law.

PASSED THIS ____ DAY OF _____, 2017.

President, City Council

APPROVED AND ADOPTED THIS ____ DAY OF _____, 2017.

Nancy F. Spewak, Mayor

ATTEST:

Laura A. Rider, City Clerk

Exhibit A

INTERGOVERNMENTAL COOPERATION AGREEMENT

THIS INTERGOVERNMENTAL COOPERATION AGREEMENT (“Agreement”), THAT OUTLINES THE REIMBURSEMENT PROCEDURE AND OTHER PROJECT RESPONSIBILITIES FOR THE LAY ROAD SIDEWALK AND ROAD IMPROVEMENTS, A PORTION OF WHICH ARE LOCATED WITHIN THE CITY OF RICHMOND HEIGHTS, is entered into on the effective date hereinafter set forth, by and between the City of Ladue, Missouri (“Ladue”) and City of Richmond Heights, Missouri (“Richmond Heights”):

WITNESSETH

WHEREAS, the City of Ladue has obtained Federal Funds and is the project sponsor for improvements on Lay Road between Clayton Road and South McKnight Road, including pavement rehabilitation in a project known as STP-5529(613).

WHEREAS, the municipal boundary between the City of Ladue and the City of Richmond Heights, within the limits of the Lay Road Improvement project, is located at the approximate centerline of Lay Road from Clayton Road to South McKnight Road.

WHEREAS, the City of Ladue and the City of Richmond Heights desire to enter into an agreement to outline how expenditures for Lay Road Improvements within the City of Richmond Heights will be funded and reimbursed.

WHEREAS, this project is in the process of being designed and will be constructed in compliance with the provisions of the STP Program Agreement that the City of Ladue and the Missouri Highways and Transportation Commission have executed.

WHEREAS, Chapter 70 of the Revised Statutes of Missouri authorize joint exercise by two or more local governments of any power common to them; and

WHEREAS, it is the desire of the signatories hereto to enter into the agreement on behalf of the interest of its citizens

NOW, THEREFORE, for and in consideration of the premises, the mutual advantages to be derived therefrom and in consideration of the mutual covenants herein contained, it is agreed by and between the parties hereto as follows:

1. Cooperative Agreement Established. Pursuant to the joint powers authorization of Chapter 70 of the Revised Statutes of Missouri, the undersigned do hereby enter into a cooperative agreement to outline the reimbursement process for Lay Road Improvements located within Richmond Heights that are to be constructed as part of project STP-5529(613) lead by City of Ladue.
2. Description of construction improvements within Richmond Heights. The project limits for the Lay Road improvements extend from Clayton Road to South McKnight Road. The portion of the project within the City of Richmond Heights spans from the approximate center line of Lay to the eastern right-of-way limits from Clayton Road to South McKnight Road. The work consists of cold-milling of the existing bituminous pavement for removal of the surface, full depth pavement repair as warranted, the placement of tack coat on the cold-milled pavement, and the placement of bituminous asphalt pavement. Attached to this agreement are the plan-sheets for work within Richmond Heights. All work within the project limits is eligible for 80% federal reimbursement as administered by MoDOT on behalf of Federal Highway Administration.
3. Estimate of cost for improvements within Richmond Heights. The cost estimate for the work located within Richmond Heights was estimated by Ladue's engineering consultant to be \$ 175,000. Eighty percent of this cost is eligible for reimbursement administered by MoDOT. Twenty percent of this cost will be funded by Richmond Heights and is estimated to be \$35,000. An updated estimated cost for the work within Richmond Heights will be provided to the Richmond Heights project contact as soon as it is available, shortly after the construction bids for the project are received.
4. Ladue Action and Responsibility. Pursuant to the program agreement for the Lay Road Improvements executed between the City of Ladue and the Missouri Highways & Transportation Commission, the City of Ladue is the project sponsor for the project. Ladue will be responsible for the completion of the design documents including plans, specifications, and cost estimates (PS&E). Ladue will provide Richmond Heights with a set of PS&E documents, including a separate updated cost estimate for the work within Richmond Heights. Ladue will be responsible for

bidding and contracting for the construction phase. Ladue will invite the Richmond Heights project contact/designee to the preconstruction meeting. Ladue will perform the construction oversight for the project, including the review of all applications for payment. Ladue will provide Richmond Heights contact/designee with project updates. Ladue will be responsible for all payments to the contractor and the construction administrator. Ladue's Public Works Director, who will serve as the primary contact for the project and this agreement, will prepare reimbursement requests to both MoDOT for the 80% reimbursement for all construction costs and to Richmond Heights for the 20% of the portion of the work within Richmond Heights.

5. Richmond Heights Action and Responsibility. Richmond Heights will be responsible for reimbursing Ladue for 20% of the cost for the work within Richmond Heights. The work within Richmond Heights is preliminarily estimated at \$175,000 with Richmond Heights's portion being \$35,000, but these costs are subject to change based on actual costs. Richmond Heights shall reimburse Ladue within thirty (30) days of being invoiced. Richmond Heights shall designate a project contact whom will process the reimbursement requests and be the construction phase Richmond Heights representative.
6. Duration. This Agreement shall continue in effect from the date of execution until the project completion of the Lay Road Sidewalk and Road Improvements, estimated completion date Fall of 2018, and all applicable reimbursements have been received.
7. Enforcement. Each City shall have the right to enforce this Agreement against the other City. If in conjunction with enforcing this Agreement legal action is necessary, the defaulting City shall pay reasonable attorney's fees as adjudicated by the Court.
8. Authorization. Prior to execution of this Agreement, each participating municipality shall deliver to the other a certified copy of a suitable ordinance or resolution authorizing and directing the execution of this Agreement.
9. Indemnification. The City of Ladue shall defend, indemnify and hold harmless the City of Richmond Heights, from any claim or liability whether based on a claim for damages to real or personal property or to a person for any matter relating to or

arising out of Ladue's performance of its obligation under this or its Program Agreement.

10. Effective Date. This Agreement shall become effective when signed by all of the respective representatives of the Cities of Ladue and Richmond Heights.

IN WITNESS WHEREOF, the undersigned have set their signatures on the respective dates set forth below. This document may be signed in duplicate originals.

ATTEST:

By: _____

Printed Name: _____

Title: _____

Date: _____

CITY OF LADUE, MISSOURI

By: _____

Printed Name: _____

Title: _____

Date: _____

ATTEST:

By: _____

Printed Name: _____

Title: _____

Date: _____

CITY OF RICHMOND HEIGHTS,
MISSOURI

By: _____

Printed Name: _____

Title: _____

Date: _____

APPROVED AS TO LEGAL FORM:

By: _____

Printed Name: _____

Title: _____

Date: _____

BILL NO. 2173

ORDINANCE NO. _____

AN ORDINANCE ADDING AN OFFENSE TO CHAPTER 62 OF THE CITY OF LADUE CODE OF ORDINANCES TO PROHIBIT WINDOW PEEPING.

WHEREAS, the City of Ladue desires to add an additional offense to Chapter 62 of the Code of Ordinances, City of Ladue, St. Louis County, Missouri ("Ladue Code") to prohibit people from peering into the windows of others' buildings without a visible or lawful purpose; and

WHEREAS, City Council desires to and finds it in the best interests of the community to add this offense to protect the health, safety, and welfare of the citizens of the City; and

WHEREAS, this bill has been made available for public inspection prior to its consideration by the City Council and read by title two times in open meeting prior to passage.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LADUE, ST. LOUIS COUNTY MISSOURI, AS FOLLOWS:

SECTION 1. A new Section 62-119, entitled "Window Peeping", of Article IV of Chapter 62 of the Ladue Code is hereby enacted and shall read as follows:

Section 62-119. Window Peeping.

It shall be unlawful for any person to:

1. Wander, prowl or loiter upon the private property of another; or
2. To peek or peer in the door or window of any inhabited building, whether personally or by means of devices within that person's control;

without any visible or lawful business with the owners or occupants thereof.

SECTION 2. The portions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this Ordinance are valid, unless the court finds the valid portions of this Ordinance are so essential and inseparably connected with and dependent upon the void portion that it cannot be presumed that the City Council would have enacted the valid portions without the invalid ones, or unless the court finds that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

SECTION 3. This Ordinance shall have no *ex post facto* or retroactive effect.

SECTION 4. This ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED THIS ____ DAY OF _____, 2017.

President, City Council

ADOPTED AND APPROVED THIS ____ DAY OF _____, 2017.

Nancy Spewak, Mayor

ATTEST:

Laura Rider, City Clerk