

**CITY COUNCIL OF THE CITY OF LADUE
ST. LOUIS COUNTY, MISSOURI
TUESDAY, JANUARY 16, 2018**

The regular meeting of the City Council of the City of Ladue, St. Louis County, Missouri, was held on Tuesday, January 16, 2018, at 4:03 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
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. Erin Seele, City Attorney. Ms. Andrea Sukanek, City Planner was absent.

Approval of the Agenda: Mayor Spewak announced that the agenda should be amended by withdrawing the request for authorization for the Fire Chief to purchase a Chevrolet Tahoe and lights and sirens and asked for a motion to approve.

Council Member Brennan moved approval of the agenda as amended, seconded by Council Member Fox, 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 and closed meetings of December 18, 2017. Council Member Howell moved approval of the minutes as submitted for the regular and closed meetings of December 18, 2017, seconded by Council Member Hiemenz, which motion passed unanimously.

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

Public Hearings: There were no public hearings.

Zoning & Planning Matters: There were no matters presented for referral.

New Business:

Proposed Legislation:

Bill No. 2174 – An ordinance providing for submission of a proposal to discontinue application and collection of the local sales tax on the titling of motor vehicles, trailers, boats and outboard motors that were purchased from a source other than a licensed Missouri dealer to the qualified voters of the City for their approval at the general municipal election called and to be held in the City on Tuesday, April 3, 2018.

Bill No. 2175 Amended - An ordinance of the City of Ladue, Missouri, imposing a use tax for general revenue purposes at the rate of 1.25 percent (1.25%) for the privilege of storing, using or consuming within the City any article of tangible personal property pursuant to the authority granted by and subject to the provisions of Sections 144.600 through 144.761 RSMO.; providing for the use tax to be repealed, reduced or raised in the same amount as any city sales tax is repealed, reduced or raised; and providing for submission of the proposal to the qualified voters of the City for their approval at the general municipal election called and to be held in the City on Tuesday, April 3, 2018.

Bill No. 2176 - An ordinance providing for submission of a proposal to continue application and collection of the local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer to the qualified voters of the City of Ladue, Missouri for their approval at the general municipal election called and to be held in the City on Tuesday, April 3, 2018.

Ms. Rider presented background information regarding the continuation of the sales tax collected on motor vehicles, boats, trailers and outboard motors purchased from a source other than a Missouri licensed dealer and the option of the imposition of a use tax; explaining that due to recent legislative changes a use tax would capture both the existing sales tax on motor vehicles and other items purchased from an out of state dealer through internet sales. There would not be double taxation. The use tax would replace the sales tax on motor vehicles. It was noted that the deadline for cities to place the continuation of the motor vehicle sales tax on the ballot is November 2018 while there is no deadline for placing the imposition of a use tax on the ballot. Discussion ensued regarding the preferred language for the ballot proposition, discontinue or continue, if it is determined to place the sales tax on motor vehicles on the ballot instead of the use tax.

Ms. Seele requested executive session pursuant to 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 pursuant to RSMo. 610.021 (1), 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”

There being six aye votes and zero nay votes the motion passed unani-
mously

The Mayor and Council went into closed with Ms. Erin Seele at 4:15 p.m.

The Mayor and Council returned to open session with Ms. Erin Seele at 4:28
p.m.

Council Member Hensley suggested tabling Bill No. 2175 Amended which imposes a use tax with submission of the proposal to the voters and reading Bill No. 2176. His suggestion was supported by Council Members Fox and Howell. Council Member Hiemenz noted that this is a continuation of an existing sales tax with a limited window for acquiring voter approval.

Council Member Fox moved the reading of Bill No. 2176 with the affirmative language to continue the application and collection of the local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer to the qualified voters of the City of Ladue, Missouri for their approval at the general municipal election called and to be held in the City on Tuesday, April 3, 2018, seconded by Council Member Brennan, which motion passed unanimously.

Upon the first reading by Council Member Fox and second reading by Council Member Hensley, Council Member Hiemenz moved approval of Bill No. 2176, 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 unani-
mously.

Mayor Spewak announced that the City will encourage the formation of a citizen committee to promote the ballot proposition and asked for suggestions from the Council.

Resolution No. 2018-01 – A resolution authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a contract with Larimore Associates, Inc. for software support and maintenance services.

Ms. Rider stated that the contract with Larimore Associates is a renewal for annual support and maintenance for the licensing, alarm permitting and scheduling software used by City departments. The cost is \$10,241.00, the same as 2017.

Resolution No. 2018-01 was unanimously approved upon motion by Council Member Hiemenz and second by Council Member Fox.

Financial Matters:

The Council reviewed the **vouchers for payment** for the month of December 2017. Council Member Howell 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 December 2017. The Mayor ordered the reports filed for information.

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

The Mayor and Council reviewed the Cash Flow Summary for December 2017. The Mayor ordered the report filed for information.

The Mayor and Council reviewed the Delinquent Real Estate Tax Report for December 2017. The Mayor ordered the report filed for information.

Department Reports:

Fire Department: The Mayor and Council reviewed the Fire Department Activity Report for December 2017. The Mayor ordered the report filed.

Police Department: The Mayor and Council reviewed the Police Activity Report for December 2017. The Mayor ordered the report filed.

Chief Andreski reported on recent emergency building repairs including a water line rupture and gas leak and heating repair resulting in a total cost of \$5,700.00.

Chief Andreski presented his request for approval to purchase two 2017 Ford Explorers under the Missouri State contract from Bommarito Ford at a total net cost of \$38,014.00 after trade-in noting both trade-in's have high maintenance costs. Discussion ensued regarding recent recalls and the types of vehicles currently in the department's fleet.

Council Member Brennan moved approval to authorize the Police Chief to purchase two 2017 Ford Explorers under the Missouri State Contract from Bommarito Ford at a total net cost of \$38,014.00, seconded by Council Member Burroughs, which motion passed unanimously.

Chief Andreski presented an additional request for approval to purchase twenty-five Tasers which will allow each officer to be assigned their own. The current Tasers are outdated and will be traded in on the purchase.

Council Member Fox moved approval to authorize the Police Chief to purchase twenty-five XP26 Tasers from Axon Tasers at a cost of \$33,613.58, seconded by Council Member Howell, which motion passed unanimously.

Public Works Department: The Mayor and Council reviewed the Public Works report for December 2017. The Mayor ordered the report filed.

Ms. Lamitola reported that the City received authorization from MoDot to advertise for bids for the Lay Road project.

Building Office Report: The Mayor and Council reviewed the Building Office report for December 2017. The Mayor ordered the report filed.

Municipal Court: The Mayor and Council reviewed the Municipal Court Report for December 2017. The Mayor ordered the report filed.

Administration/City Clerk: Ms. Rider had nothing to report.

City Attorney: Ms. Seele had nothing to report.

Committee Appointments: Request for approval of the reappointment of members of various City committees and boards.

Mayor Spewak requested approval of the reappointment of Timothy Crowley and McPherson Moore as members of the Zoning and Planning Commission.

Council Member Hiemenz moved approval of the reappointment of Timothy Crowley and McPherson Moore as members of the Zoning and Planning Commission, seconded by Council Member Howell, which motion passed unanimously.

Mayor Spewak noted that the next Council meetings are scheduled for Tuesday, February 20, 2018 and Monday, March 19, 2018. Mayor Spewak asked the Council Members to check their schedules to ensure a quorum for the March meeting and directed Ms. Rider to follow up with an email.

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

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

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

The Mayor and Council went into closed session at 4:52 PM with Ms. Erin Seele and Ms. Anne Lamitola.

The Mayor and Council returned to open session at 5:09 PM with Ms. Erin Seele and Ms. Anne Lamitola.

Adjournment: Council Member Burroughs moved adjournment, seconded by Council Member Fox, which motion passed unanimously. The meeting adjourned at 5:10 PM.

APPROVED THIS 20TH DAY OF FEBRUARY, 2018.



Nancy Spewak, Mayor

ATTEST:


Laura Rider, City Clerk