

**CITY COUNCIL OF THE CITY OF LADUE  
ST. LOUIS COUNTY, MISSOURI  
MONDAY, JUNE 19, 2017**

The regular meeting of the City Council of the City of Ladue, St. Louis County, Missouri, was held on Monday, June 19, 2017, at 4:02 p.m., at the 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 Fox  
John Howell  
Harold Burroughs  
William Brennan

Absent:

Patrick Hensley

Five Council Members present.

Also present were Ms. Shelly Benson, Finance Clerk; Mr. Sam Zes, Finance Director; Police Chief Rich Wooten; Fire Chief Steven Lynn; Ms. Anne Lamitola, Public Works Director; Mr. Will Penney, Building Official; Ms. Andrea Sukanek, City Planner and Ms. Erin Seele, City Attorney. Ms. Laura Rider, City Clerk/Assistant to the Mayor was absent.

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

**Approval of Minutes:** Mayor Spewak asked if there were any amendments, corrections or clarifications to the minutes of the regular meeting of May 15, 2017. Council Member Hiemenz moved approval of the minutes as submitted for the regular meeting of May 15, 2017, seconded by Council Member Howell, which motion passed unanimously.

**Public Forum:** Former Mayor Irene Holmes addressed the Mayor and Council. She is concerned about the property at 301 S. Warson Rd., Ladue Automotive. She stated the property has not been maintained and there is a rusted, unlicensed, commercial vehicle, as well as stacks of old tires, and is in need of general clean up. Mayor Spewak stated the City is aware of the situation, the owners have been cited, and it is being handled in the Municipal Court.

Mr. Gary Parker inquired about the process to lease the property and open a business at 9159 Clayton Road. Mayor Spewak suggested he speak with City Planner, Andrea Sukanek, to begin the process and address any zoning issues.

**Public Hearings:** None

**Committee Report:** (Insurance)

Mr. Stephen Hall, Chairman of the Insurance Committee, reported that the quotations from Travelers and Missouri Employer's Mutual total \$430,856.00, which reflects a \$49,642.00 decrease in estimated premium. This was primarily due to an improvement in the Workers' Compensation experience modification rate which fell from .91 to .76. Chairman Hall mentioned the City should recognize the department heads for encouraging safety and utilizing loss control programs. He stated Travelers offered a Cyber Liability option which raises the 1<sup>st</sup> party coverage limits from \$250,000.00 to \$1 million with a 3<sup>rd</sup> party liability deductible remaining at \$10,000.00, while increasing the Remediation Coverage or Data Restoration Expense to \$1 million from \$250,000.00. This coverage carries an additional premium of \$3,711.00. He also stated this coverage includes E-Commerce Extortion and Business Interruption. The Insurance Committee recommends approval of the entire renewal proposal.

Council Member Fox moved approval of renewing the Workers' Compensation Insurance with Missouri Employers Mutual at a cost of \$148,547.00, seconded by Council Member Howell, which motion passed unanimously.

Council Member Hiemenz moved approval of renewing the Property and Casualty Insurance with Travelers Insurance at a cost of \$282,309.00, seconded by Council Member Fox, which motion passed unanimously.

**Zoning & Planning Matters:**

**ZP1:** Referral to the Zoning and Planning Commission for consideration of a Special Use Permit for a 34' pole and antenna installation at 9551 Litzsinger Road by Missouri American Water.

Council Member Burroughs moved referral of a Special Use Permit for a 34' pole and antenna installation at 9551 Litzsinger Road by Missouri American Water to the Zoning and Planning Commission for review and recommendation, seconded by Council Member Fox, which motion passed unanimously.

**Old Business:** None

**New Business:**

**Proposed Legislation:**

**Bill No. 2154** – An ordinance amending Article VII Chapter 90 to codify the City's current linear foot fees and antenna charges for use of the City's Rights-of-Way and the City's requirement for an agreement for use of the City's Rights-of-Way, and enacting a self-preemption provision.

Upon the first reading of Bill No. 2154 by Mayor Spewak and second reading by Council Member Fox, Ms. Seele explained this is a long-standing policy and simply needs to be stated in ordinance form so as not to cause confusion later.

Council Member Fox moved approval of Bill No. 2154, seconded by Council Member Brennan and the vote thereupon was as follows:

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

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

Mayor Spewak declared Bill No. 2154 adopted as **Ordinance 2154**.

**Bill No. 2155** – An ordinance of the City of Ladue, St. Louis County, Missouri, to establish a procedure to disclose potential conflicts of interest and substantial interests for certain municipal officials.

Upon the first reading of Bill No. 2155 by Mayor Spewak and second reading by Council Member Hiemenz, Ms. Seele stated this is the same ordinance Ladue currently has but it is required by state law to be re-adopted every two years.

Council Member Howell moved approval of Bill No. 2155, seconded by Council Member Brennan, and the vote thereupon was as follows:

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

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

Mayor Spewak declared Bill No. 2155 adopted as **Ordinance 2155**.

**Bill No. 2156** – An ordinance approving the "Dowd Subdivision Boundary Adjustment Plat".

Upon the first reading of Bill No. 2156 by Mayor Spewak and second reading by Council Member Howell, Ms. Sukanek stated this adjustment is necessary to even out the size and shape of the subdivision and includes plans to demolish one house and create two new lots. Council Member Hiemenz asked if MSD is required

to approve this boundary adjustment. Ms. Sukanek stated no MSD approval is needed until the building permit is in process.

Council Member Hiemenz moved approval of Bill No. 2156, seconded by Council Member Brennan, and the vote thereupon was as follows:

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

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

Mayor Spewak declared Bill No. 2156 adopted as **Ordinance 2156**.

**Resolution No. 2017-12** – A resolution authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a contract with Hansen's Tree, Lawn and Landscaping Services, Inc. for the leaf transfer and brush grinding services for the City of Ladue's yard waste program.

Ms. Lamitola stated the proposal from St. Louis Composting was \$84,000.00 and the bid from Hanson's Tree Service was \$44,000.00 with a 5 year price guarantee and a 3 year contract with an optional 2 years. She stated she had vetted Hansen's and was comfortable recommending them.

Council Member Fox moved approval of Resolution No. 2017-12 authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a contract with Hansen's Tree, Lawn and Landscaping Services, Inc. for the leaf transfer and brush grinding services for the City of Ladue's yard waste program, seconded by Council Member Brennan, which motion passed unanimously.

#### **Financial Matters:**

Mr. Zes reported the mid-year reports would be ready for the July meeting.

Mr. Bill Winningham of Milliman, Inc. reported the valuations of the Uniform Pension Plan as of January 1, 2017. He explained the results of this valuation are used to determine recommended contribution rates to the Plan for the 2017 calendar year. The Recommended Contribution for 2017 is \$1,787,046.00, which is an increase of 10.96% from 2016 due to a change in assumed mortality rates, adopted on 1/1/2017, and retirement rates. The market value of plan assets increased from \$29,355,447.00 at 1/1/2016 to \$30,994,503.00 at 1/1/2017; the actuarial value of assets increased from \$30,147,660.00 at 1/1/2016 to \$31,925,044.00 at 1/1/2017. The total City contributions for 2016 were \$1,610,554.00. The employee contributions were 6% of Uniform gross salaries which was \$293,921.00. The plan funded ratio as of January 1, 2017 was 77.7%.

Mr. Winningham presented the actuarial valuations as of January 1, 2017, of the City of Ladue Non-Uniform Pension plan. The Recommended Contribution for 2017 is \$199,092.00, which is an increase of 8.92% from 2016 due to a change in assumed mortality rates, adopted on 1/1/2017, and retirement rates. The market value of plan assets increased from \$4,254,102.00 at 1/1/2016 to \$4,476,167.00 at 1/1/2017; the actuarial value of assets increased from \$4,370,435.00 at 1/1/2016 to \$4,612,977.00 at 1/1/2017. The total City contributions for 2016 were \$182,786.00, which was the required contribution for 2016. The plan funded ratio as of January 1, 2016 was 89.2%.

Mr. Winningham briefly discussed the GASB 67 and 68 Disclosure Reports. He stated these reports help the City fulfill its financial accounting requirements and are used to determine plan assets and obligations. He stated the City has no depletion date and shows the Fiduciary Net Position is always projected to be sufficient to cover benefit payments and administrative expenses. He stated the Net Pension Liabilities for both funds increased slightly due to use of the updated mortality tables from the year 2000 to the more current 2014 tables.

The Council reviewed the **vouchers for payment** for the month of May 2017. Council Member Burroughs moved their approval, seconded by Council Member Brennan, which motion passed unanimously.

The Mayor and Council reviewed the Treasurer's and Collector's reports for May 2017. The Mayor ordered the reports filed for information.

The Mayor and Council reviewed the Financial Report for May 2017. The Mayor ordered the report filed for information.

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

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

#### **Department Reports:**

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

Ms. Collette Koscielski, with Paric/Navigate Building Solutions, gave a status update on the construction of new Firehouse No. 1. Ms. Koscielski presented the request for ratification of Change Order No. 5 in the amount of \$31,788.00 for Power feed to traffic controls - \$3,017.00; MEP revisions - \$3,091.00; Relocate charging station - \$363.00; Cover fascia/paint canopy - \$4,219.00; Relocate heater vent - \$3,773.00; Moisture mitigation all areas - \$17,325.00. She stated these costs are all covered by the contingency fund and the construction should be wrapped up by late summer. Council Member Fox stated the committee is pleased with the progress and recommends approval of the change order.

Council Member Fox moved approval of Change Order No. 5 in the amount of \$31,788.00 for Power feed to traffic controls - \$3,017.00; MEP revisions - \$3,091.00; Relocate charging station - \$363.00; Cover fascia/paint canopy - \$4,219.00; Relocate heater vent - \$3,773.00; Moisture mitigation all areas - \$17,325.00, seconded by Council Member Howell, which motion passed unanimously.

Chief Lynn requested approval to purchase sixteen (16) sets of the Drager PSS7000 Self-Contained Breathing Apparatus from Banner Fire Equipment at a cost of \$131,366.00. He stated the department received a grant to cover 85% of the cost of the new units. The actual cost to the City will be \$25,080.00. The current units are 11 years old, out of compliance, and will be traded-in. He thanked FF/MEMT Douglas Kain, EMS Lt. Mike Rose, and Assistant Chief Jeff Johnson for their assistance with writing the grant application.

Council Member Hiemenz moved approval to authorize the Fire Chief to purchase sixteen (16) sets of the Drager PSS7000 Self-Contained Breathing Apparatus from Banner Fire Equipment at a cost of \$131,366.00, seconded by Council Member Brennan, which motion passed unanimously.

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

Chief Wooten requested approval of Change Order #1 to the contract with Meggitt Training Systems, Inc. in the amount of \$27,900.00 for removal and disposal of 125 cu.ft. of lead contaminated range sand and debris as lead contaminated hazardous waste. He stated this project is still within the budgeted amount of \$57,000 due to Ladue resident and corporate donations.

Council Member Fox moved approval of Change Order #1 to the contract with Meggitt Training Systems, Inc. in the amount of \$27,900.00 for removal and disposal of 125 cu.ft. of lead contaminated range sand and debris as lead contaminated hazardous waste, seconded by Council Member Brennan, which motion passed unanimously.

Chief Wooten requested approval of Change Order #2 to the contract with Meggitt Training Systems, Inc. in the amount of \$5,978.00 for the installation of rebar and 2 yards of concrete to level the firing range floor.

Council Member Howell moved approval of Change Order #2 to the contract with Meggitt Training Systems, Inc. in the amount of \$5,978.00 for the installation of rebar and 2 yards of concrete to level the firing range floor, seconded by Council Member Hiemenz, which motion passed unanimously.

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

Ms. Lamitola stated she has applied for federal funding for the South Outer 40 and Clayton/Warson Road area and included a significant number of the letters of support with application materials. Council Member Howell asked if there is a Plan B if this funding is denied. Ms. Lamitola stated the Municipal Park Grant is a

possibility. She also reported the Storm Water 5-year implementation plan would be presented at the July Council meeting.

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

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

**Administration/City Clerk:** There was nothing to report at this time.

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

**Appointments:** Request for approval of the appointment of Fred Goebel as an alternate member of the Architectural Review Board.

Council Member Hiemenz moved approval of the appointment of Fred Goebel as an alternate member of the Architectural Review Board, seconded by Council Member Howell, which motion passed unanimously.

**Liquor License Renewals:**

- L-1:** An application from Bogey Club, 9266 Clayton Road, for renewal of their liquor license to sell intoxicating liquor by the drink for consumption on the premises, including beer or malt liquor not in excess of 5% by weight and with Sunday sales. The report from the police department finds no reason why the license should not be issued.
- L-2:** An application from Deer Creek Club, 9861 Deer Creek Hill, for renewal of their liquor license to sell intoxicating liquor by the drink for consumption on the premises, for sale in the original package, beer or malt liquor not in excess of 5% by weight for consumption on the premises, wine sampling and with Sunday sales. ***The report from the police department finds no reason why the license should not be issued pending the results of the fingerprint check.***
- L-3:** An application from Extra Virgin an Olive Ovation, 8829 Ladue Road, for renewal of their liquor license to sell wine in the original package not to be consumed on the premises where sold with Sunday sales. The report from the police department finds no reason why the license should not be issued.
- L-4:** An application from Giovanni's Kitchen, 8831 Ladue Road, for renewal of their liquor license to sell intoxicating liquors by the drink on the premises, with Sunday sales. The report from the police department finds no reason why the license should not be issued.
- L-5:** An application from Gourmet to Go, 9828 Clayton Road, for renewal of their liquor license to sell intoxicating liquors in the original package. The report from the police department finds no reason why the license should not be issued.

- L-6:** An application from L'Ecole Culinaire, Ltd., 9807 S. Forty Drive, for renewal of their license to sell intoxicating liquors by the drink. The report from the police department finds no reason why the license should not be issued.
- L-7:** An application from Ladue Market Inc., 9155 Clayton Road, for renewal of their liquor license to sell intoxicating liquors in the original package. The report from the police department finds no reason why the license should not be issued.
- L-8:** An application from Ladue Pharmacy, LLC, 9832 Clayton Road, for renewal of their liquor license to sell intoxicating liquors and beer in the original package, not for consumption on the premises. The report from the police department finds no reason why the license should not be issued.
- L-9:** An application from Lester's, LLC, 9906 Clayton Road, for renewal of their liquor license to sell intoxicating liquors by the drink on the premises, with Sunday sales. The report from the police department finds no reason why the license should not be issued.
- L-10:** An application from Log Cabin Club, 1140 Log Cabin Lane, for renewal of their liquor license to sell intoxicating liquor by the drink for consumption on the premises, including beer or malt liquor not in excess of 5% by weight and with Sunday sales. The report from the police department finds no reason why the license should not be issued.
- L-11:** An application from MOD Pizza, 8855 Ladue Road, for renewal of their liquor license to sell intoxicating liquors by the drink on the premises, with Sunday sales. The report from the police department finds no reason why the license should not be issued.
- L-12:** An application from Old Warson Country Club, 9841 Old Warson Road for renewal of their liquor license to sell intoxicating liquors by the drink, with Sunday sales. The report from the police department finds no reason why the license should not be issued.
- L-13:** An application from Pei Wei Asian Diner, 8885 Ladue Road, for renewal of their liquor license to sell intoxicating liquors by the drink on the premises, with Sunday sales. The report from the police department finds no reason why the license should not be issued.
- L-14:** An application from the Racquet Club Ladue, 1600 Log Cabin Lane for renewal of their liquor license to sell intoxicating liquor by the drink for consumption on the premises, in the original package with Sunday sales. The report from the police department finds no reason why the license should not be issued.
- L-15:** An application from Schneithorst's Restaurant, 1600 South Lindbergh Blvd., for renewal of their license to sell intoxicating liquors by the



drink on the premises, with Sunday sales. The report from the police department finds no reason why the license should not be issued.

- L-16:** An application from Schnuck's Markets, Inc. d/b/a Schnuck's, 8867 Ladue Road, for renewal of their license to sell intoxicating liquors in the original package with Sunday sales, by the drink on the premises, and wine sampling. The report from the police department finds no reason why the license should not be issued.
- L-17:** An application from Schnuck's Markets, Inc. d/b/a Schnuck's, 10275 Clayton Road, for renewal of their license to sell intoxicating liquors in the original package with Sunday sales, by the drink on the premises, and wine sampling. The report from the police department finds no reason why the license should not be issued.
- L-18:** An application from Dornaka Restaurant Holdings LLC d.b.a. Sportsman's Park Restaurant, 9901 Clayton Road, for renewal of their liquor license to sell intoxicating liquors by the drink and in the original package. The report from the police department finds no reason why the license should not be issued.
- L-19:** An application from St. Louis Country Club, 400 Barnes Road, for renewal of their liquor license to sell intoxicating liquor by the drink for consumption on the premises with Sunday sales. The report from the police department finds no reason why the license should be not issued.
- L-20:** An application from Hats, Inc. d.b.a. Truffles in Ladue, 9202 Clayton Road, for renewal of their license to sell intoxicating liquors by the drink. The report from the police department finds no reason why the license should not be issued.
- L-21:** An application from The Women's Exchange, 8811A Ladue Road, for renewal of their liquor license to sell intoxicating liquors by the drink. The report from the police department finds no reason why the license should not be issued.

Council Member Fox moved approval of the liquor license renewals for L-1 and L-3 through L-21, seconded by Council Member Burroughs, which motion passed unanimously.

Council Member Fox moved approval of the liquor license renewal for L-2, contingent upon the results of the fingerprint check, seconded by Council Member Burroughs, which motion passed unanimously.

Mayor Spewak noted that the next Council meetings are scheduled for Wednesday June 28<sup>th</sup>, Monday, July 17<sup>th</sup> and Monday, August 21<sup>st</sup>.

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) and employee matters under section 610.021 (13).

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) and employee matters under section 610.021 (13), seconded by Council Member Burroughs and the vote thereupon was as follows:

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

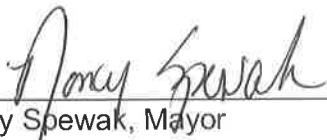
There being five aye votes and zero nay votes the motion passed unanimously.

The Mayor and Council, with the exception of Council Member Hensley who was absent, and Police Chief Wooten, went into closed session at 5:02 PM with Ms. Erin Seele.

The Mayor and Council returned to open session at 5:37 PM with Ms. Erin Seele.

**Adjournment:** Council Member Fox moved adjournment, seconded by Council Member Hiemenz, which motion passed unanimously. The meeting adjourned at 5:38 PM.

**APPROVED THIS 17TH DAY OF JULY, 2017.**

  
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Nancy Spewak, Mayor

**ATTEST:**  
  
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Laura Rider, City Clerk