

**CITY COUNCIL OF THE CITY OF LADUE  
ST. LOUIS COUNTY, MISSOURI  
MONDAY, JULY 16, 2018**

The regular meeting of the City Council of the City of Ladue, St. Louis County, Missouri, was held on Monday, July 16, 2018, 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:

John Howell  
Stacey Kamps  
John Fox  
Patrick Hensley  
Harold Burroughs (arrived 4:07 p.m.)  
William Brennan

Six Council Members present.

Also present were Ms. Laura Rider, Assistant to the Mayor/City Clerk; Mr. Sam Zes, Finance Director; Police Captain Darin McClure; Fire Chief Steven Lynn; Ms. Anne Lamitola, Public Works Director; Mr. Roger Stewart, Building Official; Ms. Andrea Sukanek, City Planner and Ms. Erin Seele, City Attorney. Police Chief Ken Andreski, Jr. was absent.

**Approval of the Agenda:** Council Member Fox moved approval of the agenda, seconded by Council Member Brennan, 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 June 25, 2018. Council Member Howell moved approval of the minutes as submitted for the regular and closed meetings of June 25, 2018, seconded by Council Member Hensley, which motion passed unanimously.

**Public Forum:** Mr. John Yates, residing at 14 Warson Terrace, expressed his displeasure with construction noise at the Ladue High School building project and trash haulers beginning work during prohibited hours and requested better enforcement by the City. Mayor Spewak advised that the City will contact the school's contractor and the trash haulers to reiterate the regulations regarding hours of operation.

Mr. George Fonyo, residing at 9758 Litzsinger Road, shared his concerns regarding the residential structure under construction at the northwest corner of Litzsinger and Warson. Mr. Stewart and Mayor Spewak assured Mr. Fonyo that while the structure is being built to commercial specifications the structure is residential and the City will enforce its ordinances.

**Public Hearings:**

**PH1:** The City Council will hold a public hearing on a recommendation from the Zoning and Planning Commission that the City Council approves a Special Use Permit and a Site Plan Review to build a 9,000 square foot retail building and parking lot at 9900 Clayton Road. This will also include an update/amendment to the existing Special Use Permit for joint parking. The property is located in the G1 Zoning District.

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

Council Member Fox moved to close the public hearing, seconded by Council Member Hensley, which motion passed unanimously.

Ms. Seele stated the Public Hearing Notice, Zoning and Planning File, Zoning Ordinance #1175 and the entire Code of Ordinances are made part of the record and available.

The transcript of the public hearing is attached as part of the minutes.

Council Member Fox moved approval of the Special Use Permit issued to Scott Properties for the development of a 9,000 square foot commercial building and parking lot at 9900 Clayton Road, seconded by Council Member Brennan, which motion passed unanimously.

Council Member Brennan moved approval of the Amended Special Use Permit for joint parking at 9900, 9890, 9902 and 9904 Clayton Road, seconded by Council Member Kamps, which motion passed unanimously.

**PH2:** The City Council will hold a public hearing on a recommendation from the Zoning and Planning Commission that the City Council approves an Amendment to the Special Use Permit for 8866 Ladue Road regarding re-utilization of the existing mobile banking (drive-through) facility. The property is located in the G2 Zoning District.

Council Member Hensley recused himself from the discussion due to a personal conflict and stepped down from the dais.

Council Member Howell moved to open the public hearing, seconded by Council Member Fox, which motion passed unanimously.

Council Member Burroughs moved to close the public hearing, seconded by Council Member Kamps, which motion passed unanimously.

Ms. Seele stated the Public Hearing Notice, Zoning and Planning File, Zoning Ordinance #1175 and the entire Code of Ordinances are made part of the record and available.

The transcript of the public hearing is attached as part of the minutes.

Council Member Howell moved approval of the Amended Special Use Permit for 8866 Ladue Road for re-utilization of the existing mobile banking (drive-through) facility by Scott Credit Union, seconded by Council Member Kamps, which motion passed unanimously.

Council Member Hensley returned to the dais.

**Zoning & Planning Matters:** There were no referrals to the Zoning and Planning Commission.

**New Business:**

Proposed Legislation:

**Bill No. 2190** – An ordinance approving the Lot Consolidation of 10046 and 10042 Litzsinger Road as depicted on the Final Plat labeled “Boundary Adjustment Plat of Adalyn Acres”.

Mayor Spewak read Bill No. 2190 followed by a second reading by Council Member Fox.

Ms. Sukanek explained the lot consolidation consists of 2 lots that are each 3 acres in size and is basically in compliance with the regulations except that this consolidation will create a lot with ten sides. According to Chapter 94 of the Subdivision Code, a lot with more than five sides shall be avoided. However, the Code provides for discretion by the Planner to determine if a lot with five sides may be necessary and desirable due to the unique character of the property. Due to the irregular shape of this existing lot and many of the adjacent lots, if this lot were to be combined with any of the lots in which it shares a lot line, a lot with more than five sides is unavoidable.

Therefore, since this particular lot consolidation will eliminate an existing flag lot, which is nonconforming, and does not create any new non-conformities, the lot consolidation is recommended for approval.

Council Member Burroughs moved approval of Bill No. 2190 with second by Council Member Kamps, and the roll call vote thereupon was as follows:

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

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

**Bill No. 2191** – An ordinance of the City of Ladue adopting the 2015 Edition of the International Fire Code, repealing Ordinance 1988 and Ordinance 1912, and amending Article II of Section 34-21 of the Ladue Code.

Mayor Spewak read Bill No. 2191 followed by a second reading by Council Member Brennan.

Mr. Stewart explained the next ten ordinances and codes were available for ninety days for public review and comment. The codes are being updated for consistency for builders and to help improve the Fire Department's Insurance Service Office rating. Mr. Stewart worked with the Fire Chief and Assistant Chief on the updates and sought input from area builders. Chief Lynn provided an overview of specific items being updated.

Council Member Fox moved approval of Bill No. 2191 with second by Council Member Hensley and the roll call vote thereupon was as follows:

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

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

**Bill No. 2192** – An ordinance of the City of Ladue repealing Section 118-2 and enacting a new Chapter 128 adopting the St. Louis County Mechanical Code (2009 International Mechanical Code – ICC- relating to elevators and amusement rides only) as amended by the County of St. Louis through date of last amendatory ordinance #24,438 as approved July 14, 2010, as the elevators and amusement rides code of the City.

Upon first and second readings by Mayor Spewak and Council Member Howell, Council Member Howell moved approval of Bill No. 2192 with second by Council Member Kamps and, the roll call vote thereupon was as follows:

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

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

**Bill No. 2193** – An ordinance of the City of Ladue enacting a new Chapter 140 of the Ladue Code adopting the 2015 International Fuel Gas Code®, first printing May 2014.

Upon first and second readings by Mayor Spewak and Council Member Hensley, Council Member Fox moved approval of Bill No. 2193 with second by Council Member Howell and the roll call vote thereupon was as follows:

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

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

**Bill No. 2194** – An ordinance of the City of Ladue repealing Section 118-3 and enacting a new Chapter 132 adopting the 2015 International Mechanical Code®, first printing May 2014.

Upon first and second readings by Mayor Spewak and Council Member Kamps, Council Member Howell moved approval of Bill No. 2194 with second by Council Member Burroughs and the roll call vote thereupon was as follows:

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

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

**Bill No. 2195** – An ordinance of the City of Ladue repealing Chapter 126 of the Ladue Code and enacting a new Chapter 126 adopting the 2015 International Plumbing Code®, first printing May 2014.

Upon first and second readings by Mayor Spewak and Council Member Burroughs, Council Member Brennan moved approval of Bill No. 2195 with second by Council Member Kamps, the roll call vote thereupon was as follows:

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

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

**Bill No. 2196** – An ordinance of the City of Ladue repealing Section 118-4 and enacting a new Chapter 136 adopting the 2015 International Property Maintenance Code®, first printing May 2014.

Upon first and second readings by Mayor Spewak and Council Member Hensley, Council Member Howell moved approval of Bill No. 2196 with second by Council Member Brennan and the roll call vote thereupon was as follows:

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

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

**Bill No. 2197** - An ordinance of the City of Ladue repealing Ordinance 1987 and enacting a new Chapter 120 of the Ladue Code adopting the 2015 International Residential Code®, for one and two-family dwellings, first printing May 2014.

Upon first and second readings by Mayor Spewak and Council Member Brennan, Council Member Burroughs moved approval of Bill No. 2197 with second by Council Member Hensley and the roll call vote thereupon was as follows:

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

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

**Bill No. 2198** - An ordinance of the City of Ladue repealing Chapter 134 of the Ladue Code, and enacting a new Chapter 134 adopting the 2015 International Swimming Pool and Spa Code®, first printing May 2014.

Upon first and second readings by Mayor Spewak and Council Member Fox, Council Member Hensley moved approval of Bill No. 2198 with second by Council Member Brennan and the roll call vote thereupon was as follows:

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

Council Member Howell "Aye"  
Council Member Brennan "Aye"

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

**Bill No. 2199** – An ordinance of the City of Ladue repealing Chapter 118 of the Ladue Code and enacting a new Chapter 118 adopting the 2015 International Building Code®, first printing, Copyright® 2014 by the International Code Council, Inc., and repealing ordinances 1986, 2135 and 2134 in their entirety.

Upon first and second readings by Mayor Spewak and Council Member Howell, Council Member Brennan moved approval of Bill No. 2199 with second by Council Member Fox and the roll call vote thereupon was as follows:

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

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

**Bill No. 2200** – An ordinance of the City of Ladue enacting a new Chapter 138 of the Ladue Code adopting the 2015 International Existing Building Code®, first printing, 2014 by the International Code Council, Inc.

Upon first and second readings by Mayor Spewak and Council Member Fox, Council Member Hensley moved approval of Bill No. 2200 with second by Council Member Brennan and the roll call vote thereupon was as follows:

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

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

**Bill No. 2201** – An ordinance of the City of Ladue amending Chapter 114 by adopting Appendix "A" Fee Schedule.

Upon first and second readings by Mayor Spewak and Council Member Kamps, Council Member Burroughs moved approval of Bill No. 2201 with second by Council Member Howell and the roll call vote thereupon was as follows:

Council Member Kamps "Aye"

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

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

**Resolution No. 2018-21** – A resolution authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a professional services contract with HR Green, Inc. for engineering consultant services for the #1601.01 Deerfield-Wakefield Infrastructure Project.

Ms. Lamitola reported at last month's Council meeting three of five professional services contracts for storm water projects were approved with the final contract being presented next month. This contract with HR Green is for the largest storm water project with the highest priority and is within budget. The Deerfield-Wakefield Infrastructure Project will be completed in two to three phases and likely span 10 years.

Council Member Brennan moved adoption of Resolution No. 2018-21 with second by Council Member Fox, which motion passed unanimously.

**Resolution No. 2018-22** - A resolution authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a contract agreement with Furfaro Design/Build Landscapes, LLC for on-call services for lawn care and debris removal.

Ms. Lamitola explained that as a result of the approval of Bill No. 2186 last month which established a nuisance procedure, city staff moved forward with issuing a Request for Proposals for an on-call contractor to perform nuisance abatement. Only one qualified bidder responded and the terms were changed from a two day response time to a five day response time and a unit cost of \$75/cubic yard for haul off material was added for a three year contract. The bid does not require bonding or permit fees and the city attorney is comfortable waiving the bonding requirement. No funds will be expended unless the City completes a work order and directs the contractor to abate a nuisance. Furfaro Design/Build Landscapes, LLC has worked with the city previously and the city was pleased with their work.

Council Member Fox inquired about the possibility of the property owner reimbursing the City. Ms. Lamitola responded a reimbursement may occur at any time if the property owner chooses to do that or when the property is sold, or another option may be a special tax bill assessed on the property.

Council Member Fox moved adoption of Resolution No. 2018-22 with second by Council Member Hensley, which motion passed unanimously.

**Resolution No. 2018-23** – A resolution approving a Site Plan for a commercial development at 9900 Clayton Road.



Ms. Sukanek requested an amendment to Resolution No. 2018-23 to allow her, as the City Planner, to approve minor modifications to address additional landscape requirements.

Council Member Fox moved adoption of Resolution No. 2018-23 as Amended to add the following language in Section 1, "*Minor Modifications may be approved by the City Planner to address additional landscape requirements*" with second by Council Member Howell, which motion passed unanimously.

#### **Financial Matters:**

Mr. Zes presented the mid-year financial report noting that revenues across all major funds are 6% higher compared to year-to-date budget, combined major fund expenditures are 16% lower compared to year-to-date budget, and in the general fund revenues are 3.38% higher than year-to-date budget with expenses being lower than budget due to timing. In other funds, while timing of projects may be delayed at this point the projects will still be completed by year end.

Mr. Zes pointed out that while there is an overall increase in revenues in the general fund there is a decrease of 33% in telephone utility tax. The companies remitting lower payments have been identified and Mr. Zes is working with the City Attorney to investigate the cause.

Mr. Zes reported the City will save \$67,000 in interest due to the excess in the Fire House Project Fund being applied to debt.

The Council reviewed the **vouchers for payment** for the month of June 2018. 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 June 2018. The Mayor ordered the reports filed for information.

The Mayor and Council reviewed the Financial Report for June 2018. The Mayor ordered the report filed for information.

The Mayor and Council reviewed the Cash Flow Summary for June 2018. The Mayor ordered the report filed for information.

The Mayor and Council reviewed the Delinquent Real Estate Tax Report for June 2018. The Mayor ordered the report filed for information.

#### **Department Reports:**

**Fire Department:** The Mayor and Council reviewed the Fire Department Activity Report for June 2018. The Mayor ordered the report filed.

**Police Department:** The Mayor and Council reviewed the Police Activity Report for June 2018. The Mayor ordered the report filed.

**Public Works Department:** The Mayor and Council reviewed the Public Works report for June 2018. The Mayor ordered the report filed.

Ms. Lamitola reported on the status of the Lay Road project and reminded the Mayor and Council that MSD will host a meeting at City Hall on July 18, 2018 regarding their Deer Creek Sanitary Sewer Project.

**Building Office Report:** The Mayor and Council reviewed the Building Office report for June 2018. The Mayor ordered the report filed.

**Municipal Court:** The Mayor and Council reviewed the Municipal Court Report for June 2018. The Mayor ordered the report filed.

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

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

**Committee Appointments:** Mayor Spewak requested approval of the appointment of Maurice Quiroga as a member of the Finance Committee to complete the term of Stacey Kamps.

Council Member Fox moved approval of the appointment of Maurice Quiroga as a member of the Finance Committee, seconded by Council Member Burroughs, which motion passed unanimously.

Mayor Spewak noted that the next Council meetings are scheduled for Monday, August 20, 2018 and Monday, September 17, 2018.

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 under RSMo. Section 610.021 (1) (3).

Council Member Kamps 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), seconded by Council Member Hensley and the roll call vote thereupon 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.

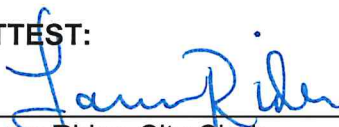
The Mayor and Council went into closed session at 5:35 PM with Ms. Erin Seele and Ms. Anne Lamitola.

The Mayor and Council returned to open session at 6:10 PM with Ms. Erin Seele.

**Adjournment:** Council Member Burroughs moved adjournment, seconded by Council Member Brennan, which motion passed unanimously. The meeting adjourned at 6:10 PM.

**APPROVED THIS 20TH DAY OF AUGUST, 2018.**

  
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Nancy Spewak, Mayor

**ATTEST:**  
  
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Laura Rider, City Clerk