

**MINUTES OF MEETING  
CITY COUNCIL OF THE CITY OF LADUE  
SPECIAL SESSION  
ST. LOUIS COUNTY, MISSOURI  
AUGUST 18, 2014, 4:00 P.M.**

A special session of the City Council of the City of Ladue, St. Louis County, Missouri was held on Monday, August 18, 2014, at 3:45 p.m., at the Ladue City Hall, 9345 Clayton Road. The following were present:

The Hon. Nancy Spewak, Mayor, presiding.

Members of the Council present:

A. Charles Hiemenz  
John Howell  
John Fox  
William Brennan

Absent: Hal Burroughs

Four Council Members present.

Also present were Michael W. Wooldridge, City Clerk/Assistant to the Mayor; Rick Jett, Finance Director; Rich Wooten, Police Chief; Fire Chief John Bailot; Jeff Johnson, Assistant Fire Chief; Anne Lamitola, Director of Public Works; Mike Gartenberg, Building Official; Jim Schmieder, Director of Building and Zoning; City Attorney, Mr. John Maupin.

Mayor Spewak requested approval of the agenda, Council Member Fox moved the adoption of the agenda. The motion was seconded by Council Member Brennan and the vote thereupon was as follows:

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

The motion was passed unanimously.

Mayor Spewak announced that the purpose of the meeting was to appoint a Council Member for Ward Two to replace Mr. Walter Stern who passed away in July.

Mayor Spewak requested approval of the appointment of Patrick Hensley, 6 Sunny Meade, as Council Member from Ward Two to fill the unexpired term until the election on April 8, 2015.

Council Member Fox moved approval of the appointment of Patrick Hensley as Council Member from Ward Two. The motion was seconded by Council Member Hiemenz, and the vote thereupon was as follows:

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

The motion was passed unanimously.

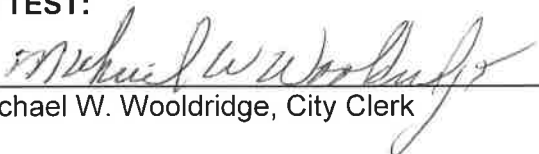
Mr. Wooldridge administered the oath of office to Mr. Hensley.

Council Member Hiemenz moved adjournment, seconded by Council Member Fox, which motion passed unanimously. The meeting adjourned at 3:55 PM.

**APPROVED THIS 15<sup>th</sup> DAY OF SEPTEMBER 2014.**

  
\_\_\_\_\_  
Nancy Spewak, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Michael W. Wooldridge, City Clerk

**MINUTES OF MEETING  
CITY COUNCIL OF THE CITY OF LADUE  
ST. LOUIS COUNTY, MISSOURI  
MONDAY, AUGUST 18, 2014, 4:00 PM.**

The regular meeting of the City Council of the City of Ladue, St. Louis County, Missouri was held on Monday, August 18, 2014, at 4:00 PM, at the City Hall, 9345 Clayton Road. The following were present:

The Hon. Nancy Spewak, Mayor, presiding.

Members of the Council present:

A. Charles Hiemenz  
John Howell  
Patrick Hensley  
John Fox  
Hal Burroughs (arrived at 4:03 PM)  
William Brennan

Absent: Harold Burroughs

Five Council Members present.

Also present were Michael W. Wooldridge, City Clerk/Assistant to the Mayor; Rick Jett, Finance Director; Rich Wooten, Police Chief; Fire Chief John Bailot; Jeff Johnson, Assistant Fire Chief; Anne Lamitola, Director of Public Works; Mike Gartenberg, Building Official; Jim Schmieder, Director of Building and Zoning; City Attorney, Mr. John Maupin.

**Approval of the Agenda**

Council Member Fox moved approval of the agenda; seconded by Council Member Brennan and the vote thereupon was as follows:

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

The motion was passed unanimously.

**Approval of Minutes:**

Mayor Spewak asked for any amendments, corrections or clarifications to the Minutes of the Regular and Closed Meetings of July 21, 2014. Council Member Hiemenz moved approval of the Minutes, seconded by Council Member Fox and the vote thereupon was as follows:

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

The motion was passed unanimously.

Mayor Spewak, the City Council and Chief Wooten recognized Sgt. John Wagner and Sgt. Randy Aldrich for 30 years of service with the City.

**Public Forum:** No one addressed the Mayor and City Council.

**Public Hearing:** None

**Old Business:** None

**Zoning and Planning Matters:**

(Council Member Burroughs arrived)

Approval of the final development plan for the Woods of Ladue Planned Unit Development.

Council Member Hiemenz commented that he thought this project had been thoroughly reviewed by both the Zoning and Planning Commission and the City Council.

Mayor Spewak thanked Mr. Larry Butz of Pulte Homes and Mr. George Stock of Stock and Associates for working with the City to design an acceptable plan for the property at Conway Rd. and S. Lindbergh Blvd.

Council Member Fox moved that the Council accept the recommendation of the Zoning and Planning Commission, and approve the final development plan for the Woods of Ladue Planned Unit Development. The motion was seconded by Council Member Howell and the vote thereupon was as follows:

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

The motion was passed unanimously.

Request by Old Warson Country Club, 9841 Old Warson Road, for an amendment to their special use permit to construct a 1,058 SF addition for storage.

Mayor Spewak noted that a waiver of the 18 month waiting period between special use permit applications would need to be approved. The applicant previously received an amendment to the special use permit in October 2013.

Council Member Hiemenz inquired as to why the restriction. Mr. Maupin replied that it was probably in response to an applicant making multiple requests for the same development with minor changes until it was approved.

After discussion the Council requested Mr. Maupin review the applicable section in the Zoning Code 1175 and make a recommendation.

Council Member Howell moved to waive the required 18 month period between special use permit applications for this proposed amendment, seconded by Council Member Hiemenz and the vote thereupon was as follows:

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

The motion was passed unanimously.

Council Member Fox moved to refer the request to the Zoning and Planning Commission for review and recommendation; seconded by Council Member Howell and the vote thereupon was as follows:

Council Member Hiemenz	"Aye"
Council Member Howell	"Aye"

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

The motion passed unanimously.

**Proposed Legislation:**

**Bill 2089** – an ordinance approving the Woods of Ladue subdivision plat.

Council Member Fox moved the introduction of Bill 2089 as amended; seconded by Council Member Brennan, which motion passed unanimously.

Council Member Hiemenz moved the first reading of Bill 2089 as amended; seconded by Council Member Fox, which motion passed unanimously.

Council Member Howell moved the second reading of Bill 2089 as amended; seconded by Council Member Hiemenz, which motion passed unanimously.

Council Member Fox moved adoption of Bill 2089 as amended; seconded by Council Member Howell, and the vote thereupon was as follows:

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

The motion was unanimously passed.

Mayor Spewak declared Bill 2089 adopted as **Ordinance 2089**.

**Bill 2090** – an ordinance amending the code of ordinances Section 50-51 relating to commercial operating hours.

Mayor Spewak noted the current allowable opening hour for businesses of 6:30 AM is not practical considering the number of coffee shops and exercise studios that have moved into the city.

Council Member Fox moved the introduction of Bill 2090 as amended; seconded by Council Member Brennan, which motion passed unanimously.

Council Member Hiemenz moved the first reading of Bill 2090 as amended; seconded by Council Member Fox, which motion passed unanimously.

Council Member Howell moved the second reading of Bill 2090 as amended; seconded by Council Member Hiemenz, which motion passed unanimously.

Council Member Fox moved adoption of Bill 2090 as amended; seconded by Council Member Howell, and the vote thereupon was as follows:

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

The motion was unanimously passed.

Mayor Spewak declared Bill 2090 adopted as **Ordinance 2090**.

#### **Financial Matters:**

The Council reviewed the **vouchers for payment** for the month of July 2014. Council Member Burroughs moved their approval, seconded by Council Member Fox, which motion passed unanimously.

The Mayor and Council reviewed the Treasurer and Collector's reports for July 2014. The Mayor ordered the reports filed for information.

The Mayor and Council reviewed the Financial report for July 2014. The Mayor ordered the report filed for information.

The Mayor and Council reviewed the Cash Flow Summary for July 2014. The Mayor ordered the report filed for information.

The Mayor and Council reviewed the Land and Lots Delinquent Tax Report for July 2014. The Mayor ordered the report filed for information.

#### **Department Reports**

**Fire Department:** The Council reviewed the Fire Department Activity Report for July 2014. The Mayor ordered the report filed.

Chief Bailot reported that the second floor of firehouse #2 has been dry-walled and painting will start next week. The overhead doors will be installed on August 22. Move in is still scheduled for October. Chief Bailot explained change order #12 as a credit of \$7,000.00 for the trade-in of the generator.

Chief Bailot requested approval of a contract amendment with Reinhold Electric to install two video cameras on the emergency traffic signal at Firehouse #2 at a cost of \$5,225.00.

Chief Bailot stated the cameras will provide real time video of Clayton Road and the front of Firehouse #2 when the fire equipment leaves on an emergency call. It will provide a recording of an incident if there is an accident at that location. Chief Bailot advised the cameras will only record when the vehicles leave on an emergency call.

Council Member Howell asked why this system is needed. Chief Bailot explained that the purpose was to protect the City in case of any accident at that location involving City vehicles.

Council Member Hensley inquired if the equipment could be added at a later date. Chief Bailot advised that the cameras could be added later at a cost higher than proposed.

Council Member Fox moved to approve the amended contract with Reinhold Electric at a cost of \$5,225.00 for two video cameras; seconded by Council Member Burroughs, and the vote thereupon was as follows:

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



The motion was unanimously passed.

**Police Department:** The Council reviewed the Police Activity Report for the period January 1, 2014 through July 31, 2014. The Mayor ordered the report filed.

Council Member Brennan asked when the Code Red test notification would take place. Chief Wooten advised that it is being scheduled for late August. He explained that there were some technical difficulties with the mapping coordinates for the Ladue calling area.

Council Member Howell asked about traffic enforcement on S. McKnight Rd. for violators traveling in the wrong lane of traffic during the water main replacement. Chief Wooten stated that directed traffic enforcement could be used in the area.

**Public Works:** The Mayor and Council reviewed the Public Works report for the period through July 2014. The Mayor ordered the report filed.

Ms. Lamitola requested approval of a contract with North American Salt for a minimum of 480 tons of salt at a cost of \$97.18 per ton, and a commitment to the regional salt cooperative for 500 tons at a cost \$70.73 per ton.

Council Member Hiemenz moved approval of the contract with North American Salt for a minimum of 480 tons of salt at a cost of \$97.18 per ton, and a commitment to the regional salt cooperative for 500 tons at a cost \$70.73 per ton.; seconded by Council Member Fox, and the vote thereupon was as follows:

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

The motion was unanimously passed.

Ms. Lamitola requested approval of a contract with Gamma Tree Experts (low bidder) for the removal of 16 dead trees in city right-of-way at a cost of \$5,950.00.

Council Member Hiemenz asked if any of the trees were part of the S. McKnight Road project. Ms. Lamitola advised the trees were not part of the project.

Council Member Fox moved approval of the contract with Gamma Tree Experts for tree removal at a cost of \$5,950.00; seconded by Council Member Burroughs, and the vote thereupon was as follows:

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

The motion was unanimously passed.

Ms. Lamitola reported that the federal grant for the S. Price Road project was modified by the Missouri Highway Department and 80% of the engineering costs associated with EFK Moen's contract for a portion of the project will now be covered by the grant. No additional costs will incur to the City.

Council Member Howell thanked Ms. Lamitola for her communications with the residents along S. McKnight Rd. regarding the upcoming road project.

**Municipal Court:** The Council reviewed the Municipal Court Report for the month of July, 2014. The Mayor ordered the report filed.

**Administration/City Clerk.**

The Mayor and Council reviewed the building department report for July 2014. Year-to-date 160 reportable permits were issued for a construction value of \$25.05 million. This compared to 127 and \$36.6 million in 2013. Mayor Spewak ordered the report filed.

Mayor Spewak noted the Council needed to elect an Acting-President of the Council as prescribed by the Ladue Code of Ordinances 1912, Section 2 – 40.

Council Member Fox moved the nomination of Council Member Hiemenz as Acting-President of the Council; seconded by Council Member Brennan, and the vote thereupon was as follows:

Council Member Hiemenz	“abstained”
Council Member Howell	“Aye”
Council Member Fox	“Aye”
Council Member Hensley	“Aye”
Council Member Burroughs	“Aye”
Council Member Brennan	“Aye”

The motion was unanimously passed.

Mr. Maupin reported that at the direction of the City Council, he reviewed the recent ordinance adopted by the City of Kirkwood prohibiting texting while driving. He stated that in his review of state law on the subject it is his opinion the City does not have the authority to adopt such an ordinance applying to all road or just local roads in the City. He suggested that an ordinance adopted by the City of Town & Country for inattentive driving may be more appropriate.

Council member Fox asked how the Police Department felt about the adoption of such an ordinance. Chief Wooten replied it would not be much different than enforcing a careless driving violation.

After discussion the City Council requested Mr. Maupin prepare an ordinance pertaining to inattentive driving.

**Appointments:** None

**Liquor Licenses:** None

**Adjournment:** Mayor Spewak stated that the next regular meetings will be September 15, October 20, November 17, and December 15.

Mayor Spewak advised there was an item for discussion in executive session involving legal matters as provided under RSMo. 610.021 (1).

Council Member Hiemenz moved to go into closed session as provided under RSMo. 610.021 (1), legal matters; seconded by Council Member Fox, and the vote thereupon was as follows:

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

The motion was passed unanimously.

(The Mayor and Council went into closed session at 4:45 PM with Mr. Wooldridge and Mr. Maupin)

Council Member Hiemenz moved to return to open session, seconded by Council Member Burroughs, and the vote thereupon was as follows:

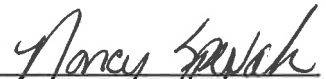
Council Member Hiemenz	"Aye"
Council Member Howell	"Aye"
Council Member Fox	"Aye"
Council Member Hensley	"Aye"
Council Member Burroughs	"Aye"
Council Member Brennan	"Aye"

The motion was unanimously passed.

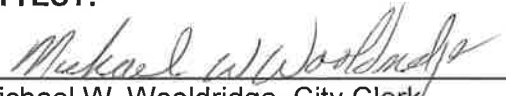
(returned to open session at 5:00 PM)

Council Member Fox moved adjournment, seconded by Council Member Burroughs, which motion passed unanimously. The meeting adjourned at 5:00 PM.

**APPROVED THIS 15<sup>th</sup> DAY OF SEPTEMBER 2014.**

  
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Nancy Spewak, Mayor

**ATTEST:**

  
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Michael W. Wooldridge, City Clerk