

**MINUTES OF MEETING
CITY COUNCIL OF THE CITY OF LADUE
ST. LOUIS COUNTY, MISSOURI
MONDAY, SEPTEMBER 15, 2014, 4:00 P.M.**

The regular meeting of the City Council of the City of Ladue, St. Louis County, Missouri was held on Monday, September 15, 2014, at 4:00 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 R. Fox
Patrick Hensley
Harold Burroughs (by phone)
William Brennan

Six Council Members present.

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

Approval and Adoption of the Agenda: Council Member Fox moved the adoption of the agenda, seconded by Council Member Hensley 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 Brennan	“Aye”
Council Member Burroughs	“did not vote”

The motion was passed unanimously.

Approval of Minutes: Mayor Spewak asked for any amendments, corrections or clarifications to the minutes of the Special, Regular and Closed Meetings of August 18, 2014. Council Member Hiemenz moved approval of the Minutes; 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 Brennan	"Aye"
Council Member Burroughs	"did not vote"

The motion was passed unanimously.

Public Forum: Mr. Jerry Bartley, Territory Manager – USAgain, requested the City Council consider an amendment to Zoning Ordinance 1175 allowing used clothing collection bins to be placed on commercial property. After discussion the matter was taken under advisement until the October City Council meeting.

Public Hearing: (none)

Old Business: (none)

Zoning and Planning Matters:

Request by the Racquet Club, 1600 Log Cabin Lane, for an amendment to their special use permit for a building expansion / addition to their facility.

Council Member Fox moved to refer the request to the Zoning and Planning Commission for review and a recommendation; seconded by Council Member Hensley, 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 Brennan	"Aye"
Council Member Burroughs	"did not vote"

The motion was passed unanimously.

Committee Report: (none)

Proposed Legislation:

Bill 2091 an ordinance approving the boundary adjustment plat of Lots 1 and 2 of "Forest Oak Lane", new lots 1 and 3 of "Consolidation Plat" and consolidated lot "A" of "Porter's Woodlawn Consolidation Plat".

Mr. Gartenberg explained that the proposed boundary adjustment involves 5 properties along N. Woodlawn Ave. and Denny Lane Court which are under one ownership. Mr. Gartenberg advised the plat meets all zoning requirements and MSD approval is not needed.

Council Member Fox moved the introduction of Bill 2091, seconded by Council Member Howell, which motion passed unanimously.

Council Member Howell moved the first reading of Bill 2091, seconded by Council Member Hiemenz, which motion passed unanimously.

Council Member Fox moved the second reading of Bill 2091, seconded by Council Member Howell, which motion passed unanimously.

Council Member Howell moved adoption of Bill 2091, 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 Brennan	"Aye"
Council Member Burroughs	"did not vote"

The motion was passed unanimously.

Mayor Spewak declared Bill 2091 adopted as **Ordinance 2091**.

Bill 2092 an ordinance amending the code of ordinances by adding Section 98-409 relating to distracted driving.

Mr. Maupin stated the proposed ordinance provides provisions for charging drivers for inattentive driving when the driver's behavior, such as phone use or other activities, causes the driver to become distracted.

Council Member Hiemenz asked if the violation results in points against the driver's license. Mr. Maupin stated points, fines and court cost would apply.

Council Hensley suggested that this ordinance be announced in the city newsletter. Chief Wooten advised enforcement will begin with verbal warnings and education of the public before tickets are written on a regular basis.

Council Member Howell moved the introduction of Bill 2092, seconded by Council Member Fox, which motion passed unanimously.

Council Member Hiemenz moved the first reading of Bill 2092, seconded by Council Member Fox, which motion passed unanimously.

Council Member Fox moved the second reading of Bill 2092, seconded by Council Member Howell, which motion passed unanimously.

Council Member Howell moved adoption of Bill 2092, 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 Brennan	"Aye"
Council Member Burroughs	"did not vote"

The motion was passed unanimously.

Mayor Spewak declared Bill 2092 adopted as **Ordinance 2092**.

Bill 2093 an ordinance authorizing the execution of an agreement with the Missouri Highways and Transportation Commission pertaining to the Lay Road Project.

Ms. Lamitola advised the agreement will formalize the grant awarded to the City for the Lay Road Project. She stated the grant will provide \$1,180,952.00 for the overlay of Lay Road, stormwater infrastructure, and construction of a sidewalk.

Council Member Hiemenz questioned placing the sidewalk on the west side of Lay Road where the utilities are located. Ms. Lamitola advised that Richmond Heights has jurisdiction on the east and did not have available right-of-way for the sidewalk.

Council Member Hiemenz asked if any outreach with the residents of Fair Oaks subdivision took place since the subdivision was against a sidewalk in the past. Ms. Lamitola stated subdivision trustees and residents along Lay Road including the Fair Oaks Subdivision trustees were contacted and they expressed support for the project. She further added that a public meeting would be conducted during the design phase to obtain resident input.

Council Member Fox moved the introduction of Bill 2093, seconded by Council Member Hiemenz, which motion passed unanimously.

Council Member Brennan moved the first reading of Bill 2093, seconded by Council Member Howell, which motion passed unanimously.

Council Member Hensley moved the second reading of Bill 2093, seconded by Council Member Brennan, which motion passed unanimously.

Council Member Hiemenz moved adoption of Bill 2093, 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 Hensley	"Aye"
Council Member Brennan	"Aye"
Council Member Burroughs	"did not vote"

The motion was passed unanimously.

Mayor Spewak declared Bill 2093 adopted as **Ordinance 2093**.

Bill 2094 an ordinance authorizing the execution of a supplemental agreement with the Missouri Highways and Transportation Commission pertaining to the S. McKnight Road Project.

Ms. Lamitola advised that the supplemental agreement provides for the same federal share of reimbursement, but divides the amount between three different federal grant programs.

Council Member Fox moved the introduction of Bill 2094, seconded by Council Member Hiemenz, which motion passed unanimously.

Council Member Brennan moved the first reading of Bill 2094, seconded by Council Member Hiemenz, which motion passed unanimously.

Council Member Hensley moved the second reading of Bill 2094, seconded by Council Member Fox, which motion passed unanimously.

Council Member Hiemenz moved adoption of Bill 2094, 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 Brennan	"Aye"
Council Member Burroughs	"did not vote"

The motion was passed unanimously.

Mayor Spewak declared Bill 2094 adopted as **Ordinance 2094**.

Bill 2095 an ordinance approving a settlement agreement with CenturyLink, Inc. regarding the payment of back gross receipts taxes.

Mr. Maupin advised that the settlement agreement involves a class action lawsuit involving Missouri cities and the back payment of gross receipts taxes on landline services. This agreement is similar to the past AT&T settlement agreement. Mr. Maupin stated the agreement will provide Ladue with approximately \$1,168.95 in back gross receipts taxes.

Council Member Fox moved the introduction of Bill 2095, seconded by Council Member Howell, which motion passed unanimously.

Council Member Hiemenz moved the first reading of Bill 2095, seconded by Council Member Hensley, which motion passed unanimously.

Council Member Hensley moved the second reading of Bill 2095, seconded by Council Member Howell, which motion passed unanimously.

Council Member Brennan moved adoption of Bill 2095, seconded by Council Member Hensley, 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 Brennan	"Aye"
Council Member Burroughs	"did not vote"

The motion was passed unanimously.

Mayor Spewak declared Bill 2095 adopted as **Ordinance 2095**.

Bill 2096 an ordinance authorizing the execution of a contract with St. Louis County for municipal ordinance prosecution in St. Louis County's Municipal Court's Mental Health/Jail Diversion Program.

Mr. Maupin advised the contract allows Municipal Judge Keith Cheung to transfer municipal court cases to St. Louis County Municipal Court's Mental Health/Jail Diversion Program. He stated that in many cases the defendant has mental issues that impede disposing of the case. Municipal Judge Cheung and City Prosecutor Jim Towey support the contract.

Council Member Brennan moved the introduction of Bill 2096, seconded by Council Member Fox, which motion passed unanimously.

Council Member Hensley moved the first reading of Bill 2096, seconded by Council Member Brennan, which motion passed unanimously.

Council Member Hiemenz moved the second reading of Bill 2096, seconded by Council Member Fox, which motion passed unanimously.

Council Member Brennan moved adoption of Bill 2096, 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 Brennan	"Aye"
Council Member Burroughs	"did not vote"

The motion was passed unanimously.

Mayor Spewak declared Bill 2096 adopted as **Ordinance 2096**.

Financial Matters:

The Council reviewed the **vouchers for payment** for the month of August 2014. Council Member Fox moved their approval, seconded by Council Member Howell, which motion passed unanimously. (Council Member Burroughs did not vote)

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

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

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

The Mayor and Council reviewed the Land and Lot Delinquent Report for August 2014. The Mayor ordered the report filed for information.

Department Reports

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

Chief Bailot reported that the lease for the trailer which houses the firefighters during construction of Firehouse #2 has been extended for one month. The cost is at the same monthly fee as during the initial twelve month contract. Construction of Firehouse #2 is expected to be completed by mid-October.

Chief Bailot requested approval to contract with Central County Emergency 911 for fire and EMS dispatch service. Chief Bailot stated that with the new interoperable radio system being installed there will be increased workload for the current operation. This change will require Ladue to hire three additional Communications personnel to insure adequate coverage 24 hours per day. He stated that the use of CCE911 will provide:

- Improved dispatch service with the latest technology;
- Emergency Medical Dispatch instructions on EMS calls.

Chief Bailot stated that he and Chief Wooten do not believe the City can provide the same level of service as CCE911 can provide for fire and EMS dispatch service.

Chief Wooten explained the current dispatch process and the proposed transfer process for Fire Department calls. He stated the transfer to CCE911 will be seamless and will improve the dispatch time on these calls. Chief Wooten explained that all 911 calls will still be received at the Ladue Communications Center and the transfers will occur from there.

Chief Bailot explained that the initial contract is for five years and at that time there may other options for dispatch on a per call cost basis with St. Louis County. He reviewed the cost structure with CCE911 which is based on a cost of \$.035 per \$100 of assessed value.

Council Member Hiemenz asked if CCE911 considered a different cost structure considering Ladue's high assessed value. Chief Bailot advised that the CCE911 board was approached about alternate fee structures, but declined to offer an alternative because the other members pay at the same rate.

Mr. Tony Bommarito, 7 McKnight Lane, asked if there would be any change in the number of personnel in the existing communications operation. Chief Wooten advised there would be no layoffs.

Council Member Fox moved to approve entering into a contract (subject to review by Mr. Maupin) with Central County Emergency 911 at an annual cost of 3.5% of assessed property valuation; 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 Hensley	"Aye"
Council Member Brennan	"Aye"
Council Member Burroughs	"did not vote"

The motion was unanimously passed.

(Council Member Burroughs left the meeting – 4:30 PM)

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

Chief Wooten requested approval of a contract with Stalker Inc. for the replacement of seven vehicle video systems at a cost of \$27,165.00 in 2014 (4 systems) and \$13,535.00 in 2015 (3 systems). Chief Wooten advised that the current cameras purchased in 2006 have reached the end of the equipment's life cycle. He stated the new systems will be software based which will make them less labor intensive to operate and maintain.

Council Member Hiemenz moved to approve the purchase of four vehicle video systems in 2014 at a cost of \$27,165.00; 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 Hensley	"Aye"
Council Member Brennan	"Aye"
Council Member Burroughs	"did not vote"

The motion was unanimously passed.

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

Municipal Court: The Mayor and Council reviewed the Municipal Court Report for August 2014. The Mayor ordered the report filed.

Administration/City Clerk.

The Mayor and Council reviewed the Building Department report for August 2014. Year-to-date 179 reportable permits were issued for a construction value of \$26.6 million. Mayor Spewak ordered the report filed.

Mr. Schmieder advised that the Pulte Homes project, Woods of Ladue, had been issued a building permit to begin land grading. Mayor Spewak directed that orange construction fencing be placed around the trees at the drip line to protect the trees before grading begins.

Appointments: None

Liquor Licenses: Mayor Spewak noted four (4) liquor licenses were due for renewal:

An application from Schneithorst's Restaurant, 1600 S. 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.

An application from the Ladue Market, Inc., 9155 Clayton Road, for renewal of their 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.

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, wine sampling, and a license to sell liquor by the drink on the premises. The report from the police department finds no reason why the license should not be issued.

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, wine sampling, and a license to sell liquor by

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

Council Member Fox moved to renew the liquor licenses, 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 Hensley	"Aye"
Council Member Brennan	"Aye"

The motion was passed unanimously.

Adjournment: Mayor Spewak stated the next regular meetings will be October 20, November 17, and December 15, 2014. A special meeting was set for September 29, 2014, to approve the property tax rates.

Mayor Spewak advised there were items 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 Brennan	"Aye"

The motion was passed unanimously.

(The Mayor and Council went into closed session at 5:15 PM with Mr. Wooldridge, Mr. Maupin, and Chief Wooten)

Council Member Hiemenz moved to return to open session, 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 Brennan	"Aye"


The motion was unanimously passed.

(returned to open session at 5:20 PM)

Council Member Fox moved adjournment, seconded by Council Member Brennan, which motion passed unanimously. The meeting adjourned at 5:20 PM.

APPROVED THIS 20th DAY OF OCTOBER 2014.

ATTEST:



Michael W. Wooldridge, City Clerk



Nancy Spewak, Mayor