

**CITY COUNCIL OF THE CITY OF LADUE  
ST. LOUIS COUNTY, MISSOURI  
MONDAY, OCTOBER 15, 2018**

The regular meeting of the City Council of the City of Ladue, St. Louis County, Missouri, was held on Monday, October 15, 2018, at 4:05 p.m., at City Hall, 9345 Clayton Road. The following members were present:

The Hon. Nancy Spewak, Mayor, presiding.

Members of the Council present:

Stacey Kamps  
John Fox  
Patrick Hensley  
Harold Burroughs (arrived 4:10 p.m.)  
William Brennan

Absent: John Howell

Five 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. Andrea Sukanek, City Planner; and Ms. Erin Seele, City Attorney.

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

Ms. Lamitola presented a service award to Ms. Stephanie Davenport in recognition of her twenty years of service to the City.

Mayor Spewak recognized Mr. Zes for earning the Certified Public Finance Officer (CPFO) designation.

**Approval of the Minutes:** Mayor Spewak asked if there were any amendments, corrections or clarifications to the minutes of the regular meeting of September 17, 2018 and the special and closed meetings of September 26, 2018. Council Member Brennan moved approval of the minutes as submitted for the regular meeting of September 17, 2018 and the special and closed meetings of September 26, 2018, seconded by Council Member Hensley, which motion passed unanimously.

**Public Forum:** Ms. MaryAnn Rober, 14 Blaytonn Lane, presented information on Amendment 1 which covers redistricting, campaign contributions, lobbyist gifts, limits on lobbying after political service, fundraising locations, and legislative records and proceedings, which will be on the November ballot and suggested that all thoroughly research Amendment 1 prior to voting.

Mr. Ray Potter, resident, expressed his concerns with traffic and the speed limit on Clayton Road where it intersects with the four residential streets in the business district between Dwyer Place and Magnolia Drive and requested the Council consider a traffic study.

**Public Hearings:**

**PH1:** The City Council will hold a public hearing on a recommendation submitted by the Zoning and Planning Commission that the City Council approves a text amendment to the Ladue Zoning Ordinance to add a section enabling the creation of a Planned Development District in the City of Ladue.

Council Member Fox moved to open the public hearing, with second by Council Member Burroughs the motion passed unanimously.

Council Member Burroughs moved to close the public hearing, with second by Council Member Hensley the motion passed unanimously.

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

**PH2:** The City Council will hold a public hearing on a recommendation submitted by the Zoning and Planning Commission that the City Council approves a text amendment to the Ladue Zoning Ordinance regarding additional requirements for swimming pools.

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

Council Member Brennan moved to close the public hearing, with second by Council Member Kamps the motion passed unanimously.

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

**Zoning & Planning Matters:**

**ZP1:** Referral to the Zoning and Planning Commission for review and recommendation of a proposal to amend the Special Use Permit by constructing an outdoor pavilion at Community School located at 900 Lay Road.

Ms. Sukanek reported that because this proposal changes the structure and increases the coverage of the school property with additional structures, staff feels an amendment to the Special Use Permit is required and requested referral to the Zoning and Planning Commission.

Council Member Fox moved referral to the Zoning and Planning Commission for review and recommendation of the proposal for an outdoor pavilion at Community School located at 900 Lay Road, seconded by Council Member Hensley, which motion passed unanimously.

**New Business:**

Ms. Sukanek presented background information on the previously approved site plan for 9900 Clayton Road and notification from Scott Properties of modification of the site plan from a retail building to office/retail building, reporting that the change of use does not affect the previously approved joint parking Special Use Permit since parking for both uses is the same. Raymond James Customer Center is the proposed tenant with very little changed in the site plan. Ms. Sukanek offered Council the options of referring it back to the Zoning and Planning Commission or allowing Scott Properties to build as proposed.

Council Member Fox moved acceptance of notification of change from retail to office/retail for the 9,000 SF building at 9900 Clayton Road, with second by Council Member Burroughs the motion passed unanimously.

**Proposed Legislation:**

**Bill No. 2209** – An ordinance to add a new Section IX to Ordinance 1175, the Zoning Ordinance of the City of Ladue, St. Louis County, Missouri, in order to establish the requirements and procedure to create a Planned Development District in the City of Ladue.

Mayor Spewak read Bill No. 2209B followed by a second reading by Council Member Fox.

Council Member Fox moved approval of Bill No. 2209B with second by Council Member Kamps, and the roll call vote thereupon was as follows:

|                          |       |
|--------------------------|-------|
| Council Member Burroughs | “Aye” |
| Council Member Hensley   | “Aye” |
| Council Member Kamps     | “Aye” |
| Council Member Brennan   | “Aye” |
| Council Member Fox       | “Aye” |

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

**Bill No. 2210** – An ordinance to amend Sections IV and XIV of Ordinance 1175, the Zoning Ordinance of the City of Ladue, St. Louis County, Missouri, in order to establish certain standards for swimming pools in Ladue.

Mayor Spewak read Bill No. 2210 followed by a second reading by Council Member Brennan.

Council Member Burroughs moved approval of Bill No. 2210 with second by Council Member Hensley, and the roll call vote thereupon was as follows:

|                        |       |
|------------------------|-------|
| Council Member Fox     | “Aye” |
| Council Member Brennan | “Aye” |

|                          |       |
|--------------------------|-------|
| Council Member Kamps     | "Aye" |
| Council Member Hensley   | "Aye" |
| Council Member Burroughs | "Aye" |

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

**Bill No. 2211** - An ordinance of the City of Ladue, St. Louis County, Missouri, amending Chapter 120 Residential Building Code Section R105.9.1 relating to trustee notification for plans submitted to the Building Official.

Mayor Spewak read Bill No. 2211 followed by a second reading by Council Member Kamps.

Ms. Lamitola explained that currently the applicant must provide that trustees have been notified in the form of a signature on plans submitted to the Building Official within thirty business days. The City has received feedback that thirty business days does not give adequate time for trustees to thoroughly review plans, so this ordinance increases the time period from thirty business days to sixty business days. Mayor Spewak added that this amendment is an effort to support the City's lane trustees, and in her opinion, is not an unreasonable amount of time.

Council Member Burroughs moved approval of Bill No. 2211 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 Brennan   | "Aye" |
| Council Member Fox       | "Aye" |
| Council Member Burroughs | "Aye" |

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

**Bill No. 2212** – An ordinance modifying Chapter 18 of the Ladue Code of Ordinances by repealing and replacing Section 18-25 regarding regulations for restraining and controlling dogs and repealing and replacing Subsections 18-26(a) and (d) regarding dangerous, vicious dogs in the City of Ladue.

Mayor Spewak read Bill No. 2212 followed by a second reading by Council Member Burroughs.

Mayor Spewak explained that this bill was introduced based on feedback received at the annual trustee meeting regarding dogs running at large and safety concerns. Staff researched ordinances in effect at surrounding municipalities and found that all have a leash law. Chief Andreski reported that the police department responds to a half-dozen calls of this nature annually. To his knowledge the calls have only been for dogs, not other animals.

Council Member Hensley moved approval of Bill No. 2212 with second by Council Member Fox, and the roll call vote thereupon was as follows:

|                          |       |
|--------------------------|-------|
| Council Member Brennan   | "Aye" |
| Council Member Kamps     | "Aye" |
| Council Member Hensley   | "Aye" |
| Council Member Burroughs | "Aye" |
| Council Member Fox       | "Aye" |

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

**Bill No. 2213** - An ordinance authorizing the execution of an agreement between the Cities of Ladue and Brentwood for the Traffic Engineering Study for McKnight Road Corridor from 1-64 to Litzsinger Road, within the municipal boundaries of both the City of Brentwood and the City of Ladue.

Mayor Spewak read Bill No. 2213 followed by a second reading by Council Member Fox.

Ms. Lamitola explained that Bill No. 2213 and Resolution No. 2018-31 are related. There have been discussions with representatives of Brentwood regarding the concerns of both Brentwood and Ladue of the daily congestion, seasonal congestion due to Winter Wonderland, speeding and pedestrian safety on McKnight Road from I-64 to Litzsinger Road.

Both cities have on-call contracts for traffic engineering services with CBB and have met with CBB to discuss this corridor, which resulted in Work Order #1 with Ladue taking the lead on the project, but Brentwood will reimburse Ladue for 50% of the cost. The cities will collaborate on the project and seek public input. Bill No. 2213 authorizes the mayor to execute an intergovernmental agreement with the City of Brentwood and Resolution No. 2018-31 approves the work order with CBB.

Council Member Fox moved approval of Bill No. 2213 with second by Council Member Burroughs, 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" |

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

**Resolution No. 2018-31** – A resolution authorizing the Mayor to execute on behalf of the City of Ladue, Missouri, a work order with CBB for engineering consultant services under the on-call professional services contract for a Traffic Engineering Study for McKnight Road Corridor from 1-64 to Litzsinger Road.

Council Member Hensley moved adoption of Resolution No. 2018-31, with second by Council Member Brennan the motion passed unanimously.

**Financial Matters:**

The Mayor and Council reviewed the third quarter financial report.

The Council reviewed the **vouchers for payment** for the month of September 2018. Council Member Fox moved their approval, seconded by Council Member Burroughs which motion passed unanimously.

The Mayor and Council reviewed the Treasurer's and Collector's reports for September 2018. The Mayor ordered the reports filed for information.

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

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

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

**Department Reports:**

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

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

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

Ms. Lamitola reported on the progress in filling the vacancy in the driver/laborer position, the RFQ for Planning Services for the Comprehensive Plan Update and the actions of the Beautification, Open Space and Tree Advisory Committee.

Ms. Lamitola presented a request for authorization to purchase a Smart Board for use in the Building Department Conference Room to display plans and other documents for meetings and training sessions at a cost of \$9,631.00.

Council Member Fox moved authorization for the Public Works Director to purchase a Smart Board from Schillers at a cost of \$9,631.00, seconded by Council Member Burroughs, which motion passed unanimously.

Mr. Lloyd Palans, Chair of the City's Storm Water Advisory Committee and Commissioner serving on MSD's Rate Commission, presented an update on the actions of the MSD Rate Commission. Mr. Palans stated the Rate Commission is currently reviewing an MSD proposal for a storm water rate change. The Commis-

sion vetted MSD's proposal at a series of public hearings. While the Commission agrees with the proposal that billing based on the amount of impervious area is a fair way to assess charges they feel that MSD inadequately estimated the \$562 million in remediation projects needed for storm water problems. In Ladue alone, 55 projects totaling \$113 million were identified with the help of HR Green. MSD's rate change proposal will be placed on the April 2019 ballot, and if approved by the voters, Ladue stands to benefit because the City's projects will have priority within MSD's system as the City used a score card based upon cost/benefit analysis during the storm water needs assessment.

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

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

**Administration/City Clerk:** Ms. Seele reported that she had concluded research on HB1456 and determined that there is no reason for the City to opt out of the prepaid wireless emergency telephone service charge that goes into effect on January 1, 2019. This charge will bridge the gap for consumers purchasing prepaid wireless service as other wireless consumers are already paying the service charge.

**Committee Appointments:** There were no committee appointments.

Mayor Spewak noted that the next Council meetings are scheduled for Monday, November 19, 2018 with a Budget Work Session at 3 p.m. followed by the regular meeting at 4 p.m. and on Monday, December 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, pursuant to 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 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" |

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

The Mayor and Council went into closed session at 5:53 PM with Ms. Erin Seele and Mr. Sam Zes.

The Mayor and Council returned to open session at 6:06 PM with Ms. Erin Seele and Mr. Sam Zes.

**Adjournment:** Council Member Kamps moved adjournment, seconded by Council Member Burroughs, which motion passed unanimously. The meeting adjourned at 6:06 PM.

**APPROVED THIS 19TH DAY OF NOVEMBER, 2018.**

  
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Nancy Spewak, Mayor

**ATTEST:**

  
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Laura Rider, City Clerk