

**CITY COUNCIL OF THE CITY OF LADUE
ST. LOUIS COUNTY, MISSOURI
MONDAY, NOVEMBER 20, 2017**

The regular meeting of the City Council of the City of Ladue, St. Louis County, Missouri, was held on Monday, November 20, 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
Harold Burroughs (arrived at 4:17 p.m.)
William Brennan
Patrick Hensley
John Howell

Absent:

John Fox

Four Council Members present at the commencement of the meeting.
Council Member Burroughs arrived at 4:17 pm.

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; Ms. Andrea Sukanek, City Planner, Mr. Roger Stewart, Building Official and Ms. Erin Seele, City Attorney.

Approval of the Agenda: Council Member Brennan 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 and closed meetings of October 16, 2017. Council Member Hiemenz moved approval of the minutes as submitted for the regular and closed meetings of October 16, 2017, seconded by Council Member Brennan, which motion passed unanimously.

Employee Service Award Presentation: Ms. Lamitola presented a service award to Al Stahl, Public Works employee, in recognition of his 40 years of dedicated service to Ladue.

Public Forum: Mr. Alex Scharf with the Home Builders Association addressed the Mayor and Council expressing that his group had reviewed Bill No. 2165 Amended (Chapter 102 Trees and Landscaping) and requested that the Council table the bill.

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 Special Use Permit for a Communication Antenna in the "C" Residential District. The Antenna is proposed to be installed on an existing pole located at 9551 Litzsinger Road in Tilles Park.

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

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

Council Member Hensley moved approval of the Special Use Permit issued to Missouri American Water for a communication antenna in the "C" Residential District to be installed on an existing pole located at 9551 Litzsinger Road in Tilles Park, seconded by Council Member Hiemenz, which 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 a Special Use Permit for Ladue High School Athletic Field.

Ms. Sukanek presented the application submitted by Ladue High School to install a new athletic field noting that the most significant changes from the existing field are a new relocated grand stand and the addition of lights on the field. Accompanying the application was a letter from the School District requesting that the City waive the Special Use Permit (SUP) requirement. Ms. Sukanek asked for guidance from the Council with this request.

Ms. Seele advised that her recommendation is to proceed with the SUP process and refer the application to the Zoning and Planning Commission for review and recommendation.

Council Member Hiemenz added that he felt it is appropriate to refer the application to the Zoning and Planning Commission and to further request the Commission to study the impact on surrounding residential neighborhoods and their quality of life and property values in regard to the proposal. Our Ward 1 residents near Gay Field in the Clayton School District where lights were installed on the field a few years ago have suffered negative impacts. There has been loitering, littering, underage drinking and parking problems as well as safety issues.

Council Member Hiemenz moved referral of the application for a Special Use Permit submitted by Ladue High School for a new athletic field to the Zoning and Planning Commission for review and recommendation, seconded by Council Member Howell, which motion passed unanimously.

Old Business:

Bill No. 2165 Amended – An ordinance repealing Chapter 102 Trees and Shrubs in its entirety and replacing it with a new Chapter 102 Trees and Landscaping.

Ms. Lamitola provided the history of this bill stating that the bill was tabled at the September meeting in order to allow time for Council Members to provide feedback on the proposed regulations. The modifications since the September meeting include the establishment of a statement of intent, revision of the section on sight obstructions for clarification, additional requirements for tree removal permits, replacement of the City Council with the Board of Adjustment for appeals to the ordinance for tree removal and establishing an appeal process for landscape requirements and modifications to the landscape requirements for new main buildings.

Council Member Burroughs arrived at 4:17 p.m.

Discussion ensued regarding tree removal and instances when a permit is necessary, any actions that may be taken by the City if a builder deviates from the approved landscape plan and fees charged for landscape review.

Upon conclusion of discussion, Mayor Spewak read Bill No. 2165 Amended for the first reading followed by a second reading by Council Member Hiemenz.

Council Member Howell moved approval of Bill No. 2165 Amended, seconded by Council Member Hiemenz and the roll call vote thereupon was as follows:

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

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

Resolution No. 2017-24 - A resolution amending the City of Ladue Personnel Administration Manual by establishing a policy for Shared Sick Leave.

Ms. Rider addressed the Council and asked if there were any additional questions on the examples that were distributed after the October meeting. There were no questions.

Council Member Hensley moved adoption of Resolution No. 2017-24, seconded by Council Member Burroughs, which motion passed unanimously.

New Business:

Proposed Legislation:

Bill No. 2167 - An ordinance authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a lease agreement between the City of Ladue, Missouri and DRA Properties, LLC for a portion of the property at Edie's Mulch Site at 9810 South Outer 40 Road.

Mayor Spewak read Bill No. 2167 for the first reading. Ms. Seele explained there is a need for improved cellular service in certain areas of Ladue. A location on a portion of the mulch site on City owned property was identified as an ideal location for a telecommunications tower. The Special Use Permit was approved with conditions and contingent upon an executed lease agreement. This is a 15 year lease with a 15 year renewal term, indemnification, insurance, and allows for 24 hour access to the site which will be coordinated through the Public Works Department.

Council Member Hiemenz moved approval of Bill No. 2167, seconded by Council Member Burroughs and the roll call vote thereupon was as follows:

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

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

Bill No. 2168 – An ordinance calling for a regular election to be held in the City of Ladue, St. Louis County, Missouri, on Tuesday, April 3, 2018, and designating the St. Louis County Board of Election Commissioners to conduct such election in compliance with state statute requirements and the revised Missouri election laws.

Upon the first reading of Bill No. 2167 by Mayor Spewak and second reading by Council Member Howell, Council Member Burroughs moved approval of Bill No. 2168, seconded by Council Member Brennan and the roll call vote thereupon was as follows:

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

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

Bill No. 2169 –An ordinance repealing Chapter 110, Article III entitled 'Architectural Board' in its entirety and replacing it with a new Chapter 110, Article III entitled 'Architectural Review Board'.

Mayor Spewak read Bill No. 2169 for a first reading followed by a second reading by Council Member Brennan.

Ms. Lamitola stated that based on some procedural modifications to how the Board has been functioning; the ordinance language has been reviewed and deemed to require amendment. The proposed ordinance addresses renaming the Board, modifying membership requirements, formally stating that the Board is subject to the Sunshine Law, establishing authority of the Board and clarifying requirements of applicants. The amendments have been reviewed by the City Planner and the City Attorney.

Council Member Howell moved approval of Bill No. 2169, seconded by Council Member Brennan and the roll call vote thereupon was as follows:

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

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

Bill No. 2170 - An ordinance approving Rights-of-Way Use Agreements, Settlements, and Releases for Communications Facilities with MCIMetro Access Transmission Services, Corp., MCI Communications Services, Inc., and XO Communications Services, LLC.

Mayor Spewak read Bill No. 2170 for a first reading followed by a second reading by Council Member Howell.

Ms. Seele reported that during discussions with MCI over that past few months for facilities in the Right-of-Way it was discovered that MCI owed past due amounts. The past due amount will be paid in a lump sum by December 31st and going forward the City will receive annual payments.

Council Member Hiemenz moved approval of Bill No. 2170, seconded by Council Member Brennan and the roll call vote thereupon was as follows:

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

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

Resolution No. 2017-31 – A resolution amending the City of Ladue Personnel Administration Manual "Subject – Organization for Personnel Management" by replacing the existing organizational chart with an updated organizational chart.

Mayor Spewak stated that the updated organizational chart reflects the current structure of City departments along with some recent title changes and clarifies that the Finance Department is a separate department.

Council Member Hiemenz moved adoption of Resolution No. 2017-31, seconded by Council Member Brennan, which motion passed unanimously.

Financial Matters:

The Council reviewed the **vouchers for payment** for the month of October 2017. Council Member Burroughs 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 October 2017. The Mayor ordered the reports filed for information.

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

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

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

Department Reports:

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

Ms. Collette Hermann, Project Manager for the Firehouse No. 1 construction, presented a final budget report and announced that the project came in under budget by \$354,000.00.

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

Chief Andreski reported that the Fire and Police Commissioners approved a change in the design of the department's badges which will result in a significant cost savings over the long term.

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

Ms. Lamitola introduced the new Building Official Roger Stewart.

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

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

Administration/City Clerk: Ms. Rider had nothing to report at this time.

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

Committee Appointments: Request for approval of the appointment of Scot Bollinger as an employee member of the Non-Uniform Pension Board.

Council Member Hiemenz moved approval of the appointment of Scot Bollinger as an employee member of the Non-Uniform Pension Board, seconded by Council Member Burroughs, which motion passed unanimously.

Mayor Spewak noted that the next Council meetings are scheduled for Monday, December 18th, Tuesday, January 16, 2018 and Tuesday, February 20, 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 under RSMo. Section 610.021 (1).

Council Member Hiemenz 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 Howell and the vote thereupon was as follows:

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

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

The Mayor and Council, with the exception of Council Member Fox who was absent, went into closed session at 5:11 PM with Ms. Erin Seele, Ms. Anne Lamitola and Ms. Andrea Sukanek.

The Mayor and Council returned to open session at 5:53 PM with Ms. Erin Seele, Ms. Anne Lamitola and Ms. Andrea Sukanek.

Adjournment: Council Member Howell moved adjournment, seconded by Council Member Hiemenz, which motion passed unanimously. The meeting adjourned at 5:54 PM.

APPROVED THIS 18TH DAY OF DECEMBER, 2017.



Nancy Spewak, Mayor

ATTEST:


Laura Rider, City Clerk