

**CITY COUNCIL OF THE CITY OF LADUE
ST. LOUIS COUNTY, MISSOURI
THURSDAY, DECEMBER 19, 2019**

The meeting of the City Council of the City of Ladue, St. Louis County, Missouri, was held on Thursday, December 19, 2019, at 4:22 p.m., at City Hall, 9345 Clayton Road. The following members were present:

John Fox, City Council President, presiding.

Members of the Council present:

John Howell
John Fox
Patrick Hensley
Harold Burroughs

Absent:

Nancy Spewak, Mayor
Stacey Kamps
William Brennan

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

Approval of the Agenda: Council Member Howell moved approval of the agenda, with second by Council Member Hensley, the motion passed unanimously.

Approval of the Minutes: Council Member Fox asked if there were any amendments, corrections or clarifications to the minutes of the Work Session, Regular and Closed Meetings of November 18, 2019. Council Member Hensley moved approval of the minutes as submitted for the Work Session, Regular and Closed meetings of November 18, 2019, with second by Council Member Howell the motion passed unanimously.

Council Member Fox recognized the recent passing of Mr. Stanley Walch, who served the City for many years on the Zoning Board of Adjustment.

Public Forum: No one wished to address the Council.

Public Hearings:

PH1: The City Council will hold a public hearing on the report of the Finance, Revenue and Taxation Committee recommending the City's proposed budget for the year January 1, 2020 – December 31, 2020.

Council Member Burroughs moved to open the public hearing, with second by Council Member Howell the motion passed unanimously. Mr. Zes presented a summary of the major funds noting a \$1,700,000.00 deficit projected in the general fund, which included a significant increase for employee medical insurance. Upon inquiry by Council Member Fox regarding the City's reserve policy and the projected fund balance at the end of 2020, Mr. Zes explained the projected fund balance will still be well over the reserve limit. Council Member Hensley asked Mr. Zes if he would continue to provide the Council with a six-month snapshot of the City's financial condition. Mr. Zes indicated quarterly snapshots of the City's financial status would be provided.

Council Member Burroughs moved to close the public hearing, with second by Council Member Hensley the motion passed unanimously. Council Member Howell moved **adoption of the 2020 Budget as presented**, with second by Council Member Hensley the motion passed unanimously.

Zoning and Planning Matters:

ZP1: Referral to the Zoning and Planning Commission for review and recommendation of a Site Development Plan submitted by Schneithorst Development Company to renovate the existing restaurant space at Lindbergh and Clayton into units for commercial lease, as well as add approximately 7,400 square feet of new construction.

Ms. Sukanek presented the referral and clarified that it is not for a Special Use Permit but is for a Site Development Plan, which requires approval by resolution. The existing structure would be renovated and enlarged by a 7,400 square foot addition. The 7,400 square foot addition included the area of both the first and second floors. Mr. Potter expressed concerns regarding traffic in the area and suggested a traffic study may be needed. Council Member Fox commented that it was his thought, that changing from a restaurant to office space, would most likely generate less traffic and suggested the question of a traffic study be brought to the Zoning and Planning Commission during their review.

Council Member Burroughs moved referral to the Zoning and Planning Commission for review and recommendation of a Site Development Plan submitted by Schneithorst Development Company to renovate the existing restaurant space at Lindbergh and Clayton into units for commercial lease, as well as add 7,400 square feet of new construction, with second by Council Member Hensley the motion passed unanimously.

ZP2: Referral to the Zoning and Planning Commission for review and recommendation of a Site Development Plan submitted by Southwestern Enterprises and Hensley Construction to renovate the NCR Building at 9811 South Outer Forty Drive (formerly L'Ecole Culinaire) into a banking facility and offices for Saint Louis Bank.

Council Member Hensley recused himself from the discussion and vote on the referral to the Zoning and Planning Commission of the Site Development Plan submitted by Southwestern Enterprises and Hensley Construction and stepped down from the dais.

Ms. Sukanek presented the referral and noted there would be a small change to the footprint of the building and addition of an ATM and canopy.

Council Member Burroughs moved referral to the Zoning and Planning Commission for review and recommendation of a Site Development Plan submitted by Southwestern Enterprises and Hensley Construction to renovate the NCR Building at 9811 South Outer Forty Drive (formerly L'Ecole Culinaire) into a banking facility and offices for Saint Louis Bank, with second by Council Member Howell the motion passed unanimously. Council Member Hensley returned to the dais.

New Business:

Proposed Legislation:

Bill No. 2243 – An ordinance authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a User Agreement with St. Louis County for Dispatch Equipment Interoperable Radio System.

Council Member Fox read Bill No. 2243, followed by a second reading by Council Member Howell.

Ms. Rider explained the ordinance authorizes execution of a five-year renewal of the user agreement executed by the City in 2015 which allowed St. Louis County to provide radios and associated equipment to enhance the City's ability to communicate for both routine and emergency operations and to permit the City to use the radio system.

Council Member Burroughs moved approval of **Bill No. 2243**, with second by Council Member Hensley and the roll call vote thereupon was as follows:

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

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

Bill No. 2244 – An ordinance of the City of Ladue, Missouri, imposing a use tax for general revenue purposes at the rate of 1.25 percent (1.25%) for the privilege of storing, using or consuming within the City any article of tangible personal property pursuant to the authority granted by and subject to the provisions of Sections 144.600 through 144.761 RSMO.; providing for the use tax to be repealed, reduced or raised in the same amount as any city sales tax is repealed, reduced or raised; and providing for submission of the proposal to the qualified voters of the City for their approval at the General Municipal Election called and to be held in the City on Tuesday, April 7, 2020.

Council Member Fox read Bill No. 2244, followed by a second reading by Council Member Burroughs.

Ms. Rider reported that the City is authorized by State Statute to impose a local use tax at a rate equal to the local sales taxes in the City. However, a proposed use tax cannot become effective until approved by the voters. Use tax is collected when an out-of-state vendor does not have sufficient legal presence in Missouri to be subject to state sales tax. Currently the City receives no use tax revenue. If voters approve a local use tax, the City would begin receiving use tax revenue on sales in the City by out-of-state vendors. Ms. Rider estimated that the City would receive approximately \$60,000 annually from a use tax with potential for growth. Ms. Rider reported that the Finance Committee discussed the potential for the imposition of a local use tax and unanimously recommended to the Council to place the question on the April 7, 2020 ballot.

Council Member Burroughs moved approval of **Bill No. 2244**, with second by Council Member Howell and the roll call vote thereupon was as follows:

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

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

Bill No. 2245 – An ordinance of the City of Ladue amending Chapter 114 by amending Appendix "A" 114-2 (Schedule of Fees, Escrows, Bonds) by inserting into Appendix "A" commercial occupancy fee.

Council Member Fox read Bill No. 2245, followed by a second reading by Council Member Hensley.

Ms. Lamitola presented background information for Bill No. 2245 and stated she worked with the Building Commissioner on the amendments to the Schedule of Fees and explained that the City currently conducts occupancy inspections at no charge. The suggested base fee of \$100.00 with a \$35.00 inspection fee covers the amount of time that a typical building inspection takes, including travel, and would bring these fees in line with other Ladue Building Department fees for similar inspections and permits.

Upon inquiry by Council Member Hensley, Ms. Lamitola clarified the occupancy inspection is not included in the building permit fee. Discussion ensued regarding residential occupancy inspections. Ms. Lamitola commented that while some communities require residential occupancy inspections, Ladue does not. Ladue has very little occurrence of code compliance issues with residential properties.

Council Member Burroughs moved approval of **Bill No. 2245**, with second by Council Member Hensley and the roll call vote thereupon was as follows:

Council Member Burroughs	"Aye"
Council Member Howell	"Aye"
Council Member Fox	"Aye"

Council Member Hensley "Aye"

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

Bill No. 2246 – An ordinance approving the Subdivision Plat for "Edgewood Manor".

Council Member Fox read Bill No. 2246, followed by a second reading by Council Member Howell.

Ms. Sukanek presented the request for "Edgewood Manor" Subdivision Plat. The properties involved in this boundary adjustment are under the ownership of two different property owners. The size and shape of the properties are being adjusted according to the agreement of these two parties. The boundary adjustment would increase the size of 8 Edgewood and bring it into compliance while decreasing the size of 10 Edgewood. 10 Edgewood would still be non-compliant but would be less non-compliant. Existing structures would be demolished after Council approval but prior to recording of the plat. Ms. Sukanek pointed out that the conditions are listed in Section 2 of Bill No. 2246.

Council Member Burroughs moved approval of **Bill No. 2246**, with second by Council Member Hensley and the roll call vote thereupon was as follows:

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

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

Resolution No. 2019-37 – A resolution authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a Professional Services Agreement with O.R. Colan Associates, LLC for the Willow Hill Storm Water Infrastructure Improvements Project.

Ms. Lamitola presented both Resolution Nos. 2019-37 and 2019-38 as they were both related to easement acquisition for the Willow Hill and Robin Hill/McKnight Lane storm water projects. The part-time schedules of the City's Storm Water Project Manager and Storm Water Engineer do not allow enough time for staff to acquire all easements needed for both projects. Ms. Lamitola reported that the City had worked with O. R. Colan previously and they performed well and presented a reasonable cost proposal for both projects.

Council Member Hensley moved adoption of **Resolution No. 2019-37**, with second by Council Member Burroughs the motion passed unanimously.

Resolution No. 2019-38 – A resolution authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a Professional Services Agreement with O.R. Colan Associates, LLC for the Robin Hill/McKnight Lane Stream Bank Stabilization Project.

Council Member Howell moved adoption of **Resolution No. 2019-38**, with second by Council Member Burroughs the motion passed unanimously.

Resolution 2019-39 – 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 federal funding application for signalization of Warson and Conway and associated technical memorandum to supplement the traffic engineering study for Warson Road at Conway Road.

Ms. Lamitola reported that the traffic study completed in 2019 focused on the intersection of Warson Road and Conway Road. Four potential solutions were developed and vetted at public meetings. The Public Works Committee reviewed all scenarios and recommended signalization and addition of left turn lanes on Warson Road. Under the scope of work, CBB will prepare the required documentation for the Federal Funding Application.

Council Member Howell moved adoption of **Resolution No. 2019-39**, with second by Council Member Burroughs the motion passed unanimously.

Financial Matters:

The Council reviewed the vouchers for payment for the month of November 2019.

Council Member Hensley moved their approval, with second by Council Member Burroughs, the motion passed unanimously.

The Council reviewed the Treasurer's and Collector's report for November 2019. Council Member Fox ordered the reports filed for information.

The Council reviewed the Financial Report for November 2019. Council Member Fox ordered the report filed for information.

The Council reviewed the Cash Flow Summary for November 2019. Council Member Fox ordered the report filed for information.

The Council reviewed the Delinquent Real Estate Tax Report for November 2019. Council Member Fox ordered the report filed for information.

Department Reports:

Fire Department: The Council reviewed the Fire Department Activity Report for November 2019. Council Member Fox ordered the report filed.

Police Department: The Council reviewed the Police Activity Report for November 2019. Council Member Fox ordered the report filed.

Chief Andreski reported Patrol Officer Tim Carter would be retiring after the first of the year.

Public Works Department: The Council reviewed the Public Works Report for November 2019. Council Member Fox ordered the report filed.

Ms. Lamitola reported on recommended changes to the 2020 Brush and Leaf Collection Schedule which included re-establishment of the October brush pick-up and elimination of the October leaf pick-up and noted the changes had been reviewed by the Public Works Committee.

Ms. Lamitola explained the Public Works Department will compress the pick-ups in the first two weeks of the month and plan project work for the third and fourth weeks.

Council Member Howell expressed his concerns regarding safety considerations for trick or treaters on Halloween and suggested a late October leaf pick-up, at least on narrow neighborhood lanes.

Council Member Burroughs moved approval of the **2020 Brush and Leaf Collection Schedule** as amended with a leaf pick-up the week of October 19th for the entire City, with second by Council Member Howell the motion passed unanimously.

Building Office Report: The Council reviewed the Building Office report for November 2019. Council Member Fox ordered the report filed.

Municipal Court: The Council reviewed the Municipal Court Report for November 2019. Council Member Fox ordered the report filed.

Administration/City Clerk: Ms. Rider reported the candidate filing period for the April 7, 2020 Election opened on December 17th and closes on January 21st and the notice of election and candidate filing period was posted and published in accordance with state statute.

Ms. Rider next reported on the status of the facilities needs assessment for City Hall, Building Department and Public Works; noting the consultant's team interviewed staff and elected officials and their engineers conducted a site visit to document field observations of the condition of the facilities and systems, the City's Steering Committee met several times with the consultant and discussed room sizes, adjacencies and floor plan options, massing studies with exterior views were completed and the next step would be to review concept diagrams for each of three options; a) renovation with the existing footprint, b) renovation within City Hall, with the Building Department removed and additions to the west and north, and c) all new City Hall building.

Ms. Rider next reported on the status of discussions with the cities of Creve Coeur, Frontenac and Town & Country for potential Court shared services and presented a draft intergovernmental agreement with proposed implementation timeline and sought direction from Council of their interest in proceeding with additional discussion and legal review of the draft agreement.

The Council directed Ms. Rider to continue discussions and proceed with legal review.

Ms. Rider presented a request for authorization to purchase network components and a server from Zobrio, Inc. at a cost of \$12,277.64. One of the City's servers had reached the end of useful life and support will cease in January 2020. The new server and components needed for virtualization of the server were included in the 2020 Capital Fund. Ms. Rider explained virtualization allows multiple servers to be configured on one physical server providing cost savings and business continuity and noted the equipment would be ordered in 2019 with the work performed in 2020.

Council Member Howell moved authorization for the City Clerk to purchase network components and a server from Zobio, Inc. at a cost of \$12,277.64, with second by Council Member Burroughs the motion passed unanimously.

City Attorney: Ms. Seele had nothing new to report at the time of the meeting.

Appointments: Council Member Fox requested approval of the various City Committee and Board reappointments as recommended by Mayor Spewak:

James Towey, Prosecuting Attorney
Keith Cheung, Municipal Judge
DeAnn Outlaw, Provisional Municipal Judge
Joseph E. Rechter, Treasurer
John Schaperkotter, Board of Fire and Police Commissioners

Architectural Review Board

Matt Wolfe
Fred Goebel
Robert Lochner – alternate

Public Works Committee

Mark Ratterman, Chairman
Tim Kaufmann

Zoning & Planning Commission

Robbye Toft
Thomas Kahn
John Lochhead
Margaret L. Holtman

Storm Water Advisory Committee

Lloyd Palans, Chairman
Robert Mueller
Mary Ann Rober
Jim Adams

Council Member Burroughs moved approval of the reappointments of members to various committees and boards as presented, with second by Council Member Hensley the motion passed unanimously.

Council Member Fox noted the next Council meetings were scheduled for Tuesday, January 21, 2020 and Tuesday, February 18, 2020.

Council Member Fox advised there were items for discussion in executive session involving litigation, legal matters and/or confidential communications between the Council and its attorneys and leasing, purchase or sale of real estate pursuant to RSMo. Section 610.021 (1) (2).

Council Member Burroughs moved to go into closed session for discussion of litigation, legal actions and/or any confidential or privileged communications from the City Attorney and leasing, purchase or sale of real estate pursuant to RSMo. 610.021 (1) (2), with second by Council Member Hensley and the roll call vote thereupon was as follows:

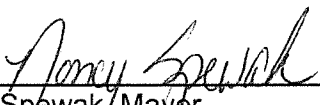
Council Member Hensley	"Aye"
Council Member Howell	"Aye"
Council Member Fox	"Aye"
Council Member Burroughs	"Aye"

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

The Council went into closed session at 5:19 PM with Ms. Erin Seele, Ms. Anne Lamitola, Chief Steven Lynn and Mr. Pete Merten.

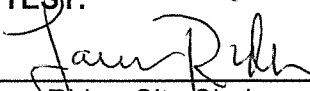
The Council returned to open session at 5:48 PM with Ms. Erin Seele, Ms. Anne Lamitola, Chief Steven Lynn and Mr. Pete Merten.

Adjournment: Council Member Hensley moved adjournment, with second by Council Member Burroughs, the motion passed unanimously. The meeting adjourned at 5:48 PM.



Nancy Spewak, Mayor

ATTEST:



Laura Rider, City Clerk