

**TENTATIVE AGENDA
MEETING OF THE CITY COUNCIL
CITY OF LADUE, MISSOURI
COUNCIL CHAMBERS
9345 CLAYTON ROAD
LADUE, MISSOURI 63124
MONDAY, MAY 15, 2017
4:00 P.M.**

The Hon. Nancy Spewak, Mayor, to preside and call the meeting to order.

Adoption and Approval of the Agenda.

Approval of the Minutes: Minutes of the Regular Meeting of April 24, 2017 and Work Session of April 25, 2017.

Police and Fire Presentation of Letters of Commendation and Recognition

Public Forum: The Mayor will recognize any visitors who wish to address the Mayor and Council on City matters. **(Speakers will be limited to 3 minutes)**

Public Hearings: None

Committee Report: (Insurance)

C-1 Request for approval of renewal of Employee Health Insurance with United Healthcare.

C-2 Request for approval of renewal of Employee Vision Insurance with VSP.

C-3 Request for approval of renewal with ASIFlex for the Employee Flexible Spending Account Plan.

Zoning and Planning Matters:

ZP1: Referral to the Zoning and Planning Commission for consideration of an extension of the Special Use Permit issued to Rock Hill Quarries, 1233 N. Rock Hill Road, for accepting construction fill on the site for an additional five years. The Special Use Permit expires on December 31, 2017.

ZP2: Referral to the Zoning and Planning Commission for consideration of text amendment changes to address the Floor Area Ratio calculation in the Zoning Ordinance.

Old Business: None

New Business:

Proposed Legislation:

Bill No. 2152 – An ordinance of the City of Ladue, St. Louis County, Missouri, instituting an interim stay of acceptance of applications for certain approvals for building permits within the E-1 Residential District of the City of Ladue.

Bill No. 2153 – An ordinance of the City of Ladue, St. Louis County, Missouri, amending Ordinance 1987 to enact a new section relating to trustee notification for plans submitted to the building official.

Financial Matters:

F-1 Report of the Finance Director regarding significant items in the financial reports.

- a. Report regarding the City's 2016 audit and single audit by Botz, Deal and Company.

F-2 The Mayor and Council to review and approve the Vouchers for Payment for the month of April 2017.

F-3 The Mayor and Council to review the combined Treasurer's and Collector's Report for April 2017.

- F-4 The Mayor and Council to review the Financial Report for April 2017.
- F-5 The Mayor and Council to review the Cash Flow Summary for April 2017.
- F-6 The Mayor and Council to review the Land Lots and Delinquent Tax List.

Department Reports:

- D-1 **Fire Department:** Mayor and Council to review the Fire Department Activity Report for the month of April 2017.
 - a. Construction Update - Fire House No.1.
 - b. Request for authorization for the Fire Chief to purchase a commercial dryer designed for fire hose and bunker gear from Sentinel Emergency Solutions at a cost of \$7,665.80.
- D-2 **Police Department:** Mayor and Council to review the Police Activity Report for the period of January 1 – April 30, 2017.
 - a. Request for approval of the contract for School Resource Officer at Ladue Horton Watkins High School for the calendar year 2017 and authorization for the Mayor to execute same.
- D-3 **Public Works:** Mayor and Council to review the report of the Director of the Public Works Department.
 - a. Building Office report for the period through April 2017.
- D-4 **Municipal Court:** Mayor and Council to review the report of the Municipal Court for April 2017.
- D-5 **Administration/City Clerk:**
 - a. Election of Acting-President of the Council as prescribed by the Ladue Code of Ordinances Section 2 – 40.
 - b. Report from the City Attorney.
- D-6 **Appointments:** None

Adjournment: Next meeting dates: Monday, June 19, 2017 and Monday July17, 2017.

Note: Pursuant to Section 610.022 RSMO., the City Council could vote to close the public meeting and move to executive session to discuss matters relating to litigation, legal actions and/or communications from the City Attorney as provided under section 610.021 (1) RSMO. and/or personnel matters under section 610.021 (13) RSMO. and/or employee matters under section 610.021 (3) RSMO. and/or real estate matters under section 610.021 (2).

Posted Date: 5/12/17

Time: 7:15 A.M.

By: J. P. Ruler

BILL NO. 2152

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LADUE, ST. LOUIS COUNTY, MISSOURI, INSTITUTING AN INTERIM STAY OF ACCEPTANCE OF APPLICATIONS FOR CERTAIN APPROVALS FOR BUILDING PERMITS WITHIN THE E-1 RESIDENTIAL DISTRICT OF THE CITY OF LADUE.

WHEREAS, the City has experienced stormwater issues throughout the City and recently enacted changes to the Zoning Ordinance of the City of Ladue, Ordinance 1175, concerning greenspace and construction requirements to help better control stormwater issues; and

WHEREAS, for the E-1 District, to preserve its special character, the City enacted, under Section V.F of Ordinance 1175, floor area ratio limitations for residential homes; and

WHEREAS, until recently with the City's focus on stormwater issues, the City had been excluding all basements from the floor area ratio calculation for residential homes in the E-1 District despite the definition of floor area excluding basements only under certain circumstances; and

WHEREAS, the City Council recognizes that changes in its regulations concerning calculation of floor area ratio may be necessary to clear up any confusion that may exist as to what the proper method of calculation for floor area ratio should be to address the special character of the E-1 District and stormwater issues while preserving the ability to properly upgrade existing homes and design and construct new homes in the E-1 District; and

WHEREAS, the City Council recognizes that having clear construction requirements to allow developers and homeowners to upgrade and construct new homes while preserving the character and property value of its neighborhoods and the health, safety, and general welfare of the residents who live in them is of utmost importance; and

WHEREAS, the City Council has directed the Zoning and Planning Commission to review the floor area ratio limitations for the E-1 District; and

WHEREAS, the City of Ladue has the authority under its police power and specific statutory authority, including its authority to regulate construction of buildings, and additionally under its zoning authority, to regulate construction and size of residential houses; and

WHEREAS, there are no pending applications requesting a building permit or construction approval in the E-1 District for a residential home exceeding the floor area ratio limitations established under Section V.F of Ordinance 1175; and

WHEREAS, to ensure that the Zoning and Planning Commission and City Council fairly, properly, and rationally fulfill their duties, it is necessary to temporarily preserve the status quo by enacting a temporary stay of the acceptance of certain applications for development within the E-1 District until the City can thoroughly investigate and explore possible revisions to the Zoning Ordinance of the City of Ladue; and

WHEREAS, this bill having been made available for public inspection prior to its consideration by the City Council and read by title two times in open meeting prior to its passage.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LADUE, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. That the City Council hereby directs, beginning immediately, that the City shall not accept applications for approval of a building permit or otherwise for construction of a residential house exceeding the existing floor area ratio limitations established by Section V.F of Ordinance 1175 for property located within the E-1 District filed after May 15, 2017, for a period up to and including August 21, 2017 while the City investigates possible revisions to the Zoning Ordinance of the City of Ladue. The City Council may terminate the stay at any time by a vote of a majority of the members present at any meeting but, in no event shall the stay extend beyond August 21, 2017, unless the City extends the date by majority vote of the members present at any meeting.

Section 2. Review Procedure

(a) The City Council may upon written application of claimed undue hardship or claim of unlawful impact from this interim stay, grant waiver of the stay upon the applicant establishing by clear and convincing evidence that the acceptance, processing, and approval of the application for a building permit or otherwise for construction for a residential house exceeding the allowable floor area ratio as currently established by Section V.F of Ordinance 1175 on property located within the E-1 District, will not undermine the thorough, complete, and well-reasoned examination of the necessity of revisions to the City's zoning code. If the Council determines that such action will not undermine the spirit and intent, it shall direct that the application be accepted for processing or processed as the case may be.

(b) If the City Council denies the claimed exemption based upon review of the written application, the applicant, within ten (10) days of such denial, may file a petition with the City's Board of Adjustment (*acting as the Board of Administrative Appeals*) requesting a hearing on the denial of its application. The Board of Administrative Appeals shall review the facts and information presented by the petitioner and make a recommendation to the City Council as to whether the denial constitutes an unconstitutional taking without just compensation or is otherwise contrary to law or constitutes undue hardship. The Board of Administrative Appeals shall review the facts in light of the applicable City, State, and Federal law. An affirmative vote of four (4) of the five (5) members of the Board shall be required to support any recommendation.

(c) If the Board of Administrative Appeals fails to hear and make a recommendation on the petition within forty-five (45) days after the filing of the petition, the action of the City Council shall be deemed returned to the City Council, as set forth in subsection (d), without recommendation; *provided*, that the Board of Administrative Appeals may extend the time to reach a decision, not exceeding an additional ninety (90) days following the receipt of the information required pursuant to this Chapter, if prior to the expiration of the forty-five (45) day period, the Board notifies the petitioner, in writing, of such extension.

(d) After completing the review, the Board of Administrative Appeals shall make a determination regarding the petition and, if determined to be necessary and appropriate, make a recommendation to the City Council. The evidence before the Board of Administrative Appeals shall be submitted with the recommendation to the City Council for final determination.

(e) After the Board of Administrative Appeals renders its recommendation, the City Council shall have forty-five (45) days to take action on the petition or recommendation of the Board of Administrative Appeals, unless extended by the City Council for cause. The action taken by the City Council at this time shall be deemed the final decision for purposes of judicial review. No petition shall become final for purposes of judicial review of the action subject to review until the effective date of City Council action on the petition, or upon expiration of the review period after the petition is submitted to the City Council.

(f) In the event that the applicant claims irreparable harm will occur unless immediate review is granted, the applicant may request expedited review, upon facts justifying such action alleged by affidavit, whereupon the Board of Administrative Appeals, if it determines it is appropriate, shall shorten the time for submissions and review.

Section 3. This ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED THIS ____ DAY OF _____, 2017.

President, City Council

ADOPTED AND APPROVED THIS ____ DAY OF _____, 2017.

Nancy Spewak, Mayor

ATTEST:

Laura Rider, City Clerk

BILL NO. 2153

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LADUE, ST. LOUIS COUNTY, MISSOURI, AMENDING ORDINANCE 1987 TO ENACT A NEW SECTION RELATING TO TRUSTEE NOTIFICATION FOR PLANS SUBMITTED TO THE BUILDING OFFICIAL.

WHEREAS, the City of Ladue previously required signatures of trustees of the respective subdivision on plans submitted for approval to the Building Official as proof of trustee notification; and

WHEREAS, the City has been accepting proof of such notification by email; and

WHEREAS, to ensure trustees of the respective subdivision are receiving proper notification and opportunity to review plans submitted to the Building Official, the City Council desires to amend its International Residential Code to establish a trustee notification process requiring signature on plans as proof of such notification; and

WHEREAS, this bill having been made available for public inspection prior to its consideration by the City Council and read by title two times in open meeting prior to its passage.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LADUE, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. Section 2 of Ordinance 1987 is hereby amended to insert a new section R105.9.1 to read as follows:

R105.9.1 Subdivision Trustee Review Notification. Any plans submitted to the Building Official for permit approval or for plans that are required to receive Architectural Review Board approval shall bear the original signature, printed name, and date of signature from a minimum of two (2) trustees of the respective subdivision certifying either compliance with the subdivision's restrictions or indentures or disapproval of such plans for failing to comply with the subdivision's restrictions or indentures. Provided, however, that if the applicant demonstrates to the satisfaction of the Building Official that the subdivision does not have a sufficient number of trustees to secure the signatures of two (2) trustees at the time an application is made, then the plans submitted shall bear the original signature, printed name, and date of signature of one (1) trustee, if possible, and if not possible, the requirement of this Section shall be deemed satisfied. Provided, further, that if the applicant demonstrates to the satisfaction of the Building Official that the plans submitted were submitted to the subdivision trustees and such trustees failed and/or refused to act upon such submission either by accepting such plans or rejecting them within thirty (30) business days of submission, the requirement of this Section shall be deemed satisfied. Plans shall not be accepted by the Building Official and/or submitted to the Architectural Review Board until the applicant satisfies the requirements of this Section. The trustees' rejection of such plans evidenced by their signatures shall not constitute a failure or refusal to act on such plans as set forth herein. The City does not assume the enforcement of any restrictions placed upon such plans by subdivision trustees and shall review and act on submitted plans in accordance with the City's regulations and requirements regardless of any disapproval or approval notification from the trustees.

Section 2. This ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED THIS ____ DAY OF _____, 2017.

President, City Council

ADOPTED AND APPROVED THIS ____ DAY OF _____, 2017.

Nancy Spewak, Mayor

ATTEST:

Laura Rider, City Clerk