

**CITY COUNCIL OF THE CITY OF LADUE
ST. LOUIS COUNTY, MISSOURI
MONDAY, APRIL 26, 2021**

The meeting of the City Council of the City of Ladue, St. Louis County, Missouri, was held on Monday, April 26, 2021, at 4:00 p.m., by Video Conference via Zoom. The following members were present:

The Hon. Nancy Spewak, Mayor, presided over the meeting.

Members of the Council present via Zoom:

Stacey Kamps
John Howell
John Fox
Patrick Hensley
William Brennan
Harold Burroughs

Six Council Members present.

Also present were Ms. Laura Rider, Assistant to the Mayor/City Clerk at City Hall in the Council Chambers via Zoom. Also present via Zoom 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.

Mayor Spewak announced that due to current and various restrictions ordered by St. Louis County on public gatherings due to Covid-19, the meeting was held by video conference and encouraged those interested in participating to join the meeting via the Zoom link posted on the meeting agenda.

Approval of the Agenda: Council Member Fox moved approval of the agenda, upon second by Council Member Brennan the motion passed unanimously.

Approval of the Minutes: Mayor Spewak asked if there were any amendments, corrections, or clarifications to the minutes of the Regular Meeting of March 15, 2021. Council Member Brennan moved approval of the minutes as submitted for the Regular Meeting of March 15, 2021, upon second by Council Member Hensley the motion passed unanimously.

Announcement: Mayor Spewak announced that Sam Zes had been nominated by his peers to serve on the executive board of the Government Finance Officers Association for a four-year term and was sworn in as Secretary in April. Mr. Zes will serve as 2nd Vice-President in 2022, 1st Vice-President in 2023 and President in 2024.

Public Forum: No one came forward to address the Mayor and Council.

Presentation: Mr. Sumit Dhawan shared a presentation regarding an idea for a pet wellness center in Ladue, KIND Pet Wellness. He explained that he was presenting to the Council to see if it was feasible because veterinary centers were not an allowed use in the City's zoning regulations. The proposed location is 9640 Clayton Road. Mr. Dhawan shared a map indicating that there were not any pet wellness centers of this kind in the surrounding area. Mr. Dhawan explained it would be a high-quality health and wellness center with limited offerings and would offer virtual visits and a pet spa. KIND Pet Wellness is not a high-volume veterinary hospital. They are focused on wellness and preventative care and perform some limited surgery. Boarding would not be offered.

Mayor Spewak stated that the Council would not weigh in on this matter until it was presented as a formal request for referral to the Zoning & Planning Commission. Mayor Spewak recommended that Mr. Dhawan meet with the City Planner to discuss the potential that the Zoning & Planning Commission would entertain a change to the zoning regulations to allow a pet wellness center.

Committee Report: Mr. Charlie Hiemenz, Chairman of the Cellular Service Advisory Committee, presented the report and recommendations of the Committee. Mr. Hiemenz provided background on the committee's actions and highlighted a few findings which were 1) significant cellular service deficiencies in parts of Ladue, 2) a high tree canopy and rolling topography, and 3) resistance of residents to place infrastructure in their neighborhoods.

Mr. Hiemenz focused on three of the ten recommendations. The first recommendation was to educate, survey, then market to residents. The second was to identify a single City staff member, the City Planner, as the Cellular Liaison to work with cellular service companies. The third recommendation was to identify a Ladue resident volunteer to act as a liaison point of contact for resident groups and private clubs. Mr. Hiemenz explained that improving cellular service in Ladue would be an ongoing process. The Cell Service carriers are willing and desire to work with Ladue but because it is a consumer product, they can go elsewhere to make a profit if they do not receive buy-in and cooperation.

Council Member Howell thanked Mr. Hiemenz and the Committee for their work and asked if the locations of deficient service areas have been identified. Mr. Hiemenz reported the locations can be identified but there are different areas for different carriers.

Council Member Brennan asked about the City's relationship with cellular service carriers. Mr. Hiemenz stated the carriers indicated they thought Ladue was not interested in working with them but the Committee through its meetings with the carriers has established good working relationships. Mr. Hiemenz confirmed that the carriers no longer reserve the right to service equipment 24/7 but will work with private property owners and adhere to a mutually agreeable schedule. Mr. Hiemenz mentioned a couple of sites at private clubs that would be ideal locations for equipment and explained that property owners typically receive compensation for placing equipment on their property through negotiation between the carrier and property owner.

Council Member Hensley inquired about the poles and antennas and the responsibility for removal if technology improves in the future and poles and equipment are no longer needed. Mr. Hiemenz explained that if equipment is decommissioned all equipment must be removed and the site returned to its original condition.

Council Member Fox commented that it appeared appropriate that a referral to Zoning & Planning Commission from the Council to change the basis on which zoning decisions are made would be the next step.

Ms. Sukanek stated that it made sense to re-write the zoning code as it pertains to communication towers and antennas to make it more user friendly. Then a referral to the Zoning & Planning Commission for review and recommendation. Ms. Sukanek reported that she could start working on the re-write soon and possibly have an early draft ready for the May Council meeting. Council Member Kamps expressed her support of moving the process along as deficient cellular service is one of the most common complaints from residents and that it is really a safety issue.

Mayor Spewak stated that the City should address the zoning changes first and focus on resident education.

Public Hearings:

PH1: The City Council of the City of Ladue will hold a Public Hearing regarding an application for a Special Use Permit Amendment for the Litzsinger Ecology Center to increase the size of the area subject to their existing Special Use Permit and to erect a 624 square foot maintenance shed on their property, located at 9711, 9735 and 9701 Litzsinger Road. The property is located in the A and B Residential Zoning Districts. **(ZPC 21-03) Zoning and Planning Commission recommends approval.**

Council Member Howell moved to open the public hearing with second by Council Member Hensley the motion passed unanimously.

Mr. Jack Milner, representing the Ecology Center, provided background for the request. The Ecology Center has worked with Missouri Botanical Garden to run ecological education programs for many years. The Center has an existing maintenance shed but needs to construct a larger shed to accommodate additional equipment. Neighbors close to the initial site of the shed asked the Center to move the shed to the 9735 Litzsinger parcel to the east. The Center was willing to move the shed but the 9735 Litzsinger parcel was not part of the plat subject to the existing Special Use Permit (SUP). The shed could not be built there because accessory structures are only allowed if there is a primary structure on the property and that parcel is vacant. That is the reason the Center is requesting to add 9735 Litzsinger and 9701 Litzsinger to the plat area subject to the SUP. Three acres will be added for a total of 38.1 acres subject to the SUP.

Mr. Milner displayed a rendering of the new maintenance shed and explained the old shed would be demolished. The new shed would be situated behind an existing brick wall and screening would be added. Ms. Sukanek

expressed appreciation to Mr. Milner and the Ecology Center for working with the residents.

No one else came forward to speak.

Ms. Seele announced the public hearing notice, Zoning and Planning file, the Code of Ordinances and Ordinance 1175 were available for viewing and part of the official record.

The public hearing was closed upon motion by Council Member Brennan and second by Council Member Hensley.

The amendment to the Special Use Permit for Litzsinger Ecology Center was unanimously approved upon motion by Council Member Hensley and second by Council Member Brennan.

PH2: The City Council of the City of Ladue will hold a Public Hearing regarding an application for a Special Use Permit to operate a non-profit educational facility relating to art, architecture, and ecology. The property is located at 9501 Clayton Road in the B Residential Zoning District. **ZPC 20-18 Zoning and Planning Commission recommends approval.**

Council Member Hensley moved to open the public hearing upon second by Council Member Kamps the motion passed unanimously.

Mr. Steve Trampe, representing Ms. Pulitzer and the Pulitzer Foundation, presented a brief history of the property and its assembly and Ms. Pulitzer's desire to leave the property to the Pulitzer Foundation in the future as an ecology education property to be used for educational purposes for groups and as an artist retreat.

Mr. Trampe stated there were thorough discussions with Andrea and the Zoning & Planning Commission regarding the restrictions needed to keep the property as it is today and be able to use it for different uses throughout the year. The southern half of the property is already a conservation easement and works of art designed specifically for the property have been in place for many years.

Mr. Trampe indicated they are agreeable to the list of recommended conditions. The property would transfer upon Ms. Pulitzer's passing. The only action planned for the near future would be to add the Fire Department turn around to maintain safety on the property. There are plans to convert a portion of one of the buildings to an accessible restroom.

Ms. Sukanek added that quite a bit of time was spent on conditions because it is in a residential area limiting the number of people on the property at one time and number of people spending the night, and limits on vehicles on the property.

Mayor Spewak added that the Pulitzer Foundation generously agreed to donate the amount they would have paid in property taxes each year to the City.

No one else came forward to speak.

Ms. Seele announced the public hearing notice, Zoning and Planning file, the Code of Ordinances and Ordinance 1175 were available for viewing and part of the official record.

Council Member Howell moved to close the public hearing upon second by Council Member Brennan the motion passed unanimously.

Council Member Burroughs recused himself from the vote on this matter because his law firm, Bryan Cave Leighton Paisner, represents the applicants.

Council Member Brennan moved approval of the Special Use Permit to operate a non-profit educational facility relating to art, architecture, and ecology on the property located at 9501 Clayton Road, upon second by Council Member Hensley the motion passed unanimously with the exception of Council Member Burroughs who recused himself.

**New Business:
Proposed Legislation:**

Bill No. 2267 – An ordinance approving the Subdivision Plat for “Ivey’s Consolidation.”

Mayor Spewak read Bill No. 2267 followed by a second reading by Council Member Hensley.

Ms. Sukanek presented the bill and explained it was for the consolidation of two adjacent parcels, 28 and 30 Godwin Lane. The new combined lot totals 1.32 acres with an irregular shape but creates one legal lot and eliminates one non-conforming lot and does not create any new non-conformities. Ms. Sukanek recommended approval of the bill.

Council Member Hensley moved approval of Bill No. 2267, upon second by Council Member Brennan the roll call vote thereupon was as follows:

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

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

Bill No. 2268 – An ordinance approving the Subdivision Plat for “Zamunda Estates”.

Mayor Spewak read Bill No. 2268 followed by a second reading by Council Member Brennan.

Ms. Sukanek presented the bill and explained it was for the consolidation of two lots at 10025 and 10029 Conway Road. The new lot consists of 1.736 acres

which exceeds the minimum of 30,000 square feet and will have more than five sides, but that requirement can be waived if the lot exceeds 30,000 square feet and the lot shape is consistent with others in the area, which it is. The new lot will not have more sides than either of the existing lots. Ms. Sukanek recommended approval of the bill.

Council Member Kamps moved approval of Bill No. 2268, upon second by Council Member Burroughs the roll call vote thereupon was as follows:

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

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

Resolution No. 2021-14 – A resolution of the City Council of the City of Ladue, Missouri adopting a Surplus Assets Disposal Policy.

Ms. Rider presented the resolution and reported that the City does not have a surplus assets disposal policy and the disposition of surplus assets has been handled on a case-by-case basis. The policy would provide consistency and accountability. Ms. Rider recommended adoption of the resolution.

Council Member Fox moved adoption of Resolution No. 2021-14, upon second by Council Member Kamps the motion passed unanimously.

Resolution No. 2021-15 – A resolution adopting the Master Plan for the City owned property known as "Rodes Park", located at the intersection of Ladue Road and Warson Road, as developed through the Municipal Park Planning Grant.

Ms. Lamitola reported that the City had established a master plan for Rodes Park through the work of the Beautification, Open Space and Tree Advisory (BOSTA) Committee, was successful in applying for a municipal park planning grant, had held two public meetings and a community survey. Consultants assisted with the project.

Mr. Steven Wheeler with Christner and Ms. Laurel Harrington with Horner & Shifrin presented the master plan. Ms. Harrington reviewed the project orientation and gave a survey overview. Ms. Harrington explained that the creek divides the property into two sections. The community survey received 322 responses and the design program came from the surveys. Community priorities include bike facilities, improved parking, informational and educational signage, litter and dog waste receptacles, nature landscapes, native plantings, neighborhood connection, grassy lawn area, pathways, seating, and a small footbridge across the creek.

Mr. Wheeler then displayed images of a rendering of what the improvements might look like, the design elements and materials that might be used. Signage would consist of small-stacked stone. A split rail fence might work well in some areas as a barrier, with open formal lawn for walking and seating areas, and possible small events, a foot bridge over the creek to connect both sides of the park, stepping-stones to cross the creek for the more adventurous and stones on a path through the woodland. Furniture would include litter receptacles and bike racks, in addition to benches. The master plan is divided into three areas – open lawn, formal lawn, and woodland, with three proposed entrances and crosswalks. Mr. Wheeler reviewed the cost opinion totaling \$525,292.12 which was based on if the project were to be completed at one time instead of in phases including construction contingency.

Ms. Lamitola shared a resident concern that added parking at Rodes Park could increase crime. Ms. Lamitola suggested that signage could be installed with park hours and an ordinance stating that the park closes at dusk could be approved. There was also concern about decreasing green space if a paved trail were added. It was noted that the City will need to meet ADA requirements for a sidewalk/path within the park.

Ms. Laure Hulverson, Chair of the BOSTA Committee, expressed her feelings that designated parking is very important because the City is inviting people to use the park.

Council Member Kamps asked about funding for the project. Ms. Lamitola stated that municipal construction grants are available, and the City is eligible for \$370,000.00 annually but grants would need to be approved and awarded to the City. Ms. Lamitola anticipated that projects would be completed in phases and noted that funds in the General Fund could be used as well and also potentially, donations or a memorial program may be established.

Council Member Fox commented that it was a terrific plan and would be a nice enhancement to the park and thanked the BOSTA committee for their time.

Council Member Fox moved adoption of Resolution No. 2021-15, upon second by Council Member Burroughs the motion passed unanimously.

Resolution No. 2021-16 – A resolution authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a contract with Gamma Tree Experts for Emergency Debris Removal.

Ms. Lamitola presented the resolution and noted that the contract was a renewal of the on-call contract for emergency debris removal. Bids were solicited and two were received. The low bidder was located seven and one-half hours away from Ladue and was non-responsive when contacted by City staff to ask how they could meet the contract requirement to respond within two hours. Therefore, Ms. Lamitola recommended the other bidder, Gamma Tree, who the City had contracted with in the previous on-call contract.

Council Member Kamps moved adoption of Resolution No. 2021-16, upon second by Council Member Hensley the motion passed unanimously.

Resolution No. 2021-17 – A resolution authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a Professional Services Agreement with Archimages for Architectural Design Services for the renovations of the Building Department Offices and Public Works Building Kitchen and Locker Rooms.

Ms. Lamitola presented the resolution noting that Mr. Stewart would be the project manager for the renovations. The City is unable to proceed with larger projects that were identified in the facilities needs assessment due to budget constraints. Ms. Lamitola was proposing modest improvements to make the spaces more usable reconfiguring space to get more use out of existing square footage for a 5-10year range. Ms. Lamitola noted that Mr. Zes was researching whether American Rescue Plan Act funds may be utilized for the project. Ms. Lamitola reported that a Request for Qualifications was issued, and thirteen proposals were received. The top three firms were interviewed. Archimages was selected as the finalist. Staff worked with Archimages to develop the scope and fee of \$26,400.00. Ms. Lamitola stressed the Consultant is aware of the budget and will design to the budget and recommended adoption of the resolution.

Council Member Howell moved adoption of Resolution No. 2021-17, upon second by Council Member Hensley the motion passed unanimously.

Resolution No. 2021-18 – A resolution authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a contract with Gershenson Construction Co., Inc. for the Robin/Hill/McKnight Lane Streambank Stabilization Stormwater Project.

Ms. Lamitola reported that she was pleased with the bid results. 4 bids were received. The low bid was \$1,430,000.00. Ms. Lamitola requested a 5% construction contingency and noted the project would be completed in about one year. Council Member Fox commented that he was pleased that the stormwater projects were moving forward.

Council Member Fox moved adoption of Resolution No. 2021-18, upon second by Council Member Burroughs the motion passed unanimously.

Financial Matters:

The Mayor and Council reviewed the report of the Finance Director regarding significant financial transactions. The Mayor ordered the report filed for information.

The Mayor and Council reviewed the Vouchers for Payment for the month of March 2021. Council Member Brennan moved their approval, upon second by Council Member Kamps the motion passed unanimously.

The Mayor and Council reviewed the Collector's Report March 2021. The Mayor ordered the report filed for information.

The Mayor and Council reviewed the Treasurer's Report March 2021. The Mayor ordered the report filed for information.

The Mayor and Council reviewed the Cash Flow Report for March 2021. The Mayor ordered the report filed for information.

The Mayor and Council reviewed the Delinquent Real Estate Tax Report for March 2021. The Mayor ordered the report filed for information.

Department Reports:

Fire Department: The Mayor and Council reviewed the Fire Department Activity Report for March 2021 and the 2020 Annual Report. The Mayor ordered the reports filed.

Police Department: The Mayor and Council reviewed the Police Department Activity Report for March 2021 and the 2020 Annual Report. The Mayor ordered the reports filed.

The Chief requested ratification of an emergency HVAC repair at the Police Department Building performed by C&R mechanical at a cost of \$5,940.00.

Council Member Hensley moved ratification of the emergency repair, upon second by Council Member Kamps the motion passed unanimously.

Public Works Department: The Mayor and Council reviewed the Public Works Report for March 2021. The Mayor ordered the report filed.

Ms. Lamitola presented a request for authorization to purchase one (1) new Caterpillar Brush Tractor from Fabick Cat through Sourcewell at a cost of \$88,085.00 net of trade-in and reported that the brush tractor is an essential piece of equipment and is a budgeted replacement item.

Council Member Brennan moved authorization of the purchase, upon second by Council Member Burroughs the motion passed unanimously.

Ms. Lamitola presented a request for authorization to purchase one (1) electronic message board from Traffic Control Company at a cost of \$13,800.00. The board currently in use required an \$1,800.00 repair and is twelve years old. Council Member Hensley inquired if the Public Works Department could rent a message board when needed rather than purchase. Ms. Lamitola responded that message boards are fairly expensive to rent and would be used frequently therefore, it was more cost effective to purchase.

Council Member Fox moved authorization of the purchase, upon second by Council Member Brennan the motion passed unanimously.

Ms. Lamitola presented an offer from Hansen's Tree Service to purchase the 1993 Scarab Windrow Turner from the City for \$30,000.00. Ms. Lamitola explained the Scarab Turner had been used for many years to turn the leaves for the mulch program, but since discontinuance of the mulch program it was no longer needed and had been sitting unused. The City had tried to sell it for some time but was unsuccessful. Then this offer from Hansen's was recently submitted to the City. Ms. Lamitola recommended that the Council accept the offer.

Council Member Burroughs moved acceptance of the offer from Hansen's Tree Service to purchase the Scarab Windrow Turner for \$30,000.00, upon second by Council Member Brennan the motion passed unanimously.

Ms. Lamitola presented a reimbursement agreement for landscape restoration for 7 Brookside Lane in an amount not to exceed \$26,362.00 in connection with the Robin Hill Lane – McKnight Lane Bank Stabilization Project as contained in the 4-20-2021 Public Works Report. Ms. Lamitola explained the agreement came about in conjunction with granting an easement for the project. The funds would be spent next year when construction was completed.

Council Member Kamps moved approval and authorization for the execution by the Mayor of the reimbursement agreement for landscape restoration for 7 Brookside Lane in an amount not to exceed \$26,362.00, upon second by Council Member Fox the motion passed unanimously.

Building Office: The Mayor and Council reviewed the Building Office Report for March 2021. The Mayor ordered the report filed.

Mr. Stewart reported that the City would be updating the Building Codes to the 2021 Codes and declared notice to the Council and residents that the 90-day review and comment period had begun. Mr. Stewart reported that Assistant Chief Johnson would work on the Fire Code and he would work on the other Codes. Mayor Spewak asked Mr. Stewart to report back to Council next month with an outline of the major changes.

Municipal Court: The Mayor and Council reviewed the Municipal Court Report for March 2021. The Mayor ordered the report filed.

Administration/City Clerk: The Mayor and Council reviewed the Administration Department Report.

Ms. Rider requested authorization to purchase citywide computer hardware which included 6 laptops, one rugged laptop and a monitor from Zobrio at a cost of \$9,495.52. Ms. Rider reported the hardware was being replaced in accordance with the replacement schedule.

Council Member Hensley moved authorization for the City Clerk to purchase computer hardware from Zobrio in the amount of \$9,495.52, upon second by Council Member Brennan the motion passed unanimously.

Mayor Spewak asked for a nomination for "Acting President of the Council". Council Member John Fox was nominated and unanimously elected "Acting President of the Council" upon motion by Council Member Brennan and second by Council Member Hensley.

City Attorney: Ms. Seele reported that the legislative session was wrapping up and that her firm was watching a bill proposing to change the April municipal election to November and the Wayfair bill.

Mayor Spewak noted the next Council meetings were scheduled for Monday, May 17, 2021 and Monday, June 21, 2021.

Adjournment: Council Member Hensley moved adjournment, upon second by Council Member Brennan, the motion passed unanimously. The meeting adjourned at 5:46 P.M.



John R. Fox, President, City Council

ATTEST:


Laura Rider, City Clerk