

**CITY COUNCIL OF THE CITY OF LADUE
ST. LOUIS COUNTY, MISSOURI
MONDAY, JULY 17, 2017**

The regular meeting of the City Council of the City of Ladue, St. Louis County, Missouri, was held on Monday, July 17, 2017, at 4:04 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
John Fox
John Howell
Harold Burroughs
William Brennan
Patrick Hensley

Six Council Members present.

Also present were Ms. Laura Rider, City Clerk/Assistant to the Mayor; Mr. Sam Zes, Finance Director; Police Chief Rich Wooten; Fire Chief Steven Lynn; Ms. Anne Lamitola, Public Works Director; Mr. Will Penney, 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 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 June 19, 2017. Council Member Hiemenz moved approval of the minutes as submitted for the regular and closed meetings of June 19, 2017, seconded by Council Member Brennan, which motion passed unanimously.

The employee service award presentation was postponed until the August meeting.

Public Forum: No one addressed the Mayor and Council.

Public Hearings:

PH1: The City Council will consider a recommendation from the Zoning and Planning Commission that the Council approves a Special Use Permit to extend the existing Special Use Permit for Rock Hill Quarries for an additional five years. The property is located at 1200 North Rock Hill Road.

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

Ms. Erin Seele, City Attorney, stated that the hearing notice, the Zoning and Planning File ZPC 17-04 as well as the entire Code of Ordinances and Ordinance No. 1175 are entered as part of the record and are available for review.

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

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

Council Member Fox moved approval of the Special Use Permit to extend the Special Use Permit for Rock Hill Quarries for an additional five years, seconded by Council Member Hensley, which motion passed unanimously.

PH2: The City Council will consider a recommendation from the Zoning and Planning Commission that the Council approves a text amendment to the Zoning Ordinance (#1175) regarding requirements for outdoor display and sales of materials.

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

Ms. Erin Seele, City Attorney, stated that the hearing notice, the Zoning and Planning File ZPC 17-03 as well as the entire Code of Ordinances and Ordinance No. 1175 are entered as part of the record and are available for review.

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

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

PH3: The City Council will consider a recommendation from the Zoning and Planning Commission that the Council approves a text amendment to the Zoning Ordinance (#1175) to require that all non-residential uses over 7,500 square feet are required to obtain a Special Use Permit.

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

Ms. Erin Seele, City Attorney, stated that the hearing notice, the Zoning and Planning File ZPC 17-05 as well as the entire Code of Ordinances and Ordinance No. 1175 are entered as part of the record and are available for review.

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

Zoning & Planning Matters:

ZP1: Referral to the Zoning and Planning Commission for consideration of regulating short-term rentals.

Ms. Sukanek explained that several area communities have passed bans on short-term rentals. A short-term rental would be for a period of less than thirty days. Ladue neighborhoods are generally designed for low-density residential uses. The recommendation would be to establish an ordinance that would prohibit short-term rentals and to establish additional definitions.

Council Member Hiemenz moved referral of the consideration of regulating short-term rentals to the Zoning and Planning Commission for review and recommendation, seconded by Council Member Hensley, which motion passed unanimously.

Old Business: None

New Business:
Proposed Legislation:

Bill No. 2159 – An ordinance amending Section III of Ordinance 1175, the Zoning Ordinances of the City of Ladue, St. Louis County, Missouri, concerning requirements for outdoor display of merchandise in the City of Ladue.

Mayor Spewak read Bill No. 2159 for a first reading. Council Member Hiemenz asked whether there was a limitation on outdoor displays to the width of the store front and expressed concern about displays encroaching on the store front of an adjacent business. Discussion ensued over concerns about outdoor display fixtures being left out overnight.

Upon conclusion of discussion Ms. Seele read Bill No. 2159 Amended in full two times which included two amendments; (1) Displays shall be limited to the premises of the business and (2) All outdoor display fixtures shall be taken indoors at close of business.

Council Member Fox moved approval of Bill No. 2159 Amended as read, seconded by Council Member Hensley and the 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"
Council Member Fox	"Aye"

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

Mayor Spewak declared Bill No. 2159 adopted as **Ordinance 2159**.

Bill No. 2160 – An ordinance amending Section VII of Ordinance 1175, the Zoning Ordinances of the City of Ladue, St. Louis County, Missouri, to require that all new non-residential developments that will involve the construction of over 7,500 square feet of floor area within a building are required to obtain a special use permit.

Upon the first reading of Bill No. 2160 by Mayor Spewak and second reading by Council Member Fox, Council Member Burroughs moved approval of Bill No. 2160, seconded by Council Member Howell, and the vote thereupon was as follows:

Council Member Howell	“Aye”
Council Member Hensley	“Aye”
Council Member Burroughs	“Aye”
Council Member Hiemenz	“Aye”
Council Member Fox	“Aye”
Council Member Brennan	“Aye”

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

Mayor Spewak declared Bill No. 2160 adopted as **Ordinance 2160**.

Bill No. 2161 – An ordinance approving the “Boundary Adjustment of Lots 2 and 3 of New St. Louis Country Club Subdivision”.

Upon the first reading of Bill No. 2161 by Mayor Spewak and second reading by Council Member Hiemenz, Ms. Sukanek explained that this adjustment settles a dispute over a retaining wall between the two property owners.

Council Member Hensley moved approval of Bill No. 2161, seconded by Council Member Fox, and the vote thereupon was as follows:

Council Member Hensley	“Aye”
Council Member Burroughs	“Aye”
Council Member Hiemenz	“Aye”
Council Member Fox	“Aye”
Council Member Brennan	“Aye”
Council Member Howell	“Aye”

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

Mayor Spewak declared Bill No. 2161 adopted as **Ordinance 2161**.

Bill No. 2162 – An ordinance approving the “East Ladue Lane Subdivision” Plat.

Upon the first reading of Bill No. 2162 by Mayor Spewak and second reading by Council Member Hensley, Ms. Sukanek stated that this plat was first submitted in January 2015 with different reiterations of the proposal since that time. All entities

have approved the plat and the neighbors have no objections. An escrow agreement is required to guarantee the construction and maintenance of subdivision improvements.

Council Member Fox moved approval of Bill No. 2162, seconded by Council Member Hiemenz, and the vote thereupon was as follows:

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

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

Mayor Spewak declared Bill No. 2162 adopted as **Ordinance 2162**.

Resolution No. 2017-13 – 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.

Ms. Rider presented the updated chart and stated that over time organizational structure within the City had changed. Committees have completed their tasks and become inactive and oversight of the Building Department was removed from the Administration Department and assigned to the Public Works Director. There has been no formal documentation to date, of any of these changes.. Adopting an updated chart will define chain of command, improve transparency and allow the Public Works Director to document the Department's internal structure and will reflect the actual current structure of City departments.

Council Member Fox asked that a dotted line be added to show the relationship between the Mayor and Council.

Council Member Hiemenz moved adoption of Resolution No. 2017-13, seconded by Council Member Burroughs, which motion passed unanimously.

Resolution No. 2017-14 – A resolution amending the City of Ladue Personnel Administration Manual by establishing a policy for administration of the Employee Assistance Program.

Ms. Rider stated that the Council had approved an enhanced Employee Assistance Program (EAP) in August 2016, but at that time, did not adopt a policy for the administration of the Program.

Council Member Hensley moved adoption of Resolution No. 2017-14, seconded by Council Member Brennan, which motion passed unanimously.

Resolution No. 2017-15 - A resolution authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a contract with Microsurfacing Contractors, LLC for the 2017 microsurfacing project.

Ms. Lamitola stated that bids were solicited and due by July 12th. There are only two contractors in the region that perform this type of work and both submitted proposals. Microsurfacing Contractors, LLC submitted the lower bid at \$155,609.75.

Council Member Fox moved adoption of Resolution No. 2017-15, seconded by Council Member Howell, which motion passed unanimously.

Resolution No. 2017-16 - A resolution adopting the 2017 five-year implementation program for the City of Ladue as part of the Storm Water Management Program.

Mr. Robert Watt, Chairman of the Storm Water Advisory Committee, was present along with representatives of HR Green, the City's Storm Water Consultant. Mr. Watt gave an overview of the history of the Storm Water Fund, needs assessment and development of the storm water plan. \$113 million in projects have been identified.

Ms. Lamitola presented a guide from the storm water plan which outlines the projects and funding. This is a fluid plan and projects will be incorporated in the 2018 budget in the Storm Water Fund. Pre-approval from property owners will be required prior to any projects being undertaken.

Council Member Hiemenz praised the team for producing a thorough and professional document and inquired about the funding commitment for the 5-year plan. Ms. Lamitola replied that the projects will be funded within the constraints of the Storm Water Fund. Projects No. 1 – No. 5 will be completed first; with only a portion of Project No. 3 being completed. The Finance Director has recommended that the fund maintain a reserve of \$2 million.

Council Member Hiemenz asked if others such as individual property owners, subdivision organizations or public agencies may make monetary contributions to the projects. Ms. Lamitola replied yes, they may contribute to the cost. The first five projects will get funded unless a property owner does not want a project to be completed. In that case, the next project will be considered. Council Member Brennan added that if a neighborhood association wants to contribute that will accelerate the project.

Council Member Hensley expressed concern about the chance that once started the scope of a project could expand. Ms. Lamitola stated the projects will adhere to the budget amount and no more.

Council Member Hensley asked how the City will determine if a project has been successful. Mr. Peter Mertens with HR Green stated that the projects will be constructed to Metropolitan Sewer District (MSD) standards. Mr. Mertens expressed confidence that a better situation can be provided than exists currently. Ladue's storm water project list and all documentation has been submitted to MSD if any future funding becomes available.

Mayor Spewak thanked Mr. Watt, HR Green and Ms. Lamitola for their contributions to the storm water program.

Council Member Brennan moved adoption of Resolution No. 2017-16, seconded by Council Member Hensley, which motion passed unanimously.

Resolution No. 2017-17 – A resolution authorizing the Mayor to execute tolling agreements and granting further authority.

Ms. Seele stated that the Finance Director noticed a decline in revenue from T-Mobile and AT&T. Tolling agreements allow the City to audit the companies but keep the statute of limitations valid for filing litigation.

Council Member Hensley moved adoption of Resolution No. 2017-17, seconded by Council Member Fox, which motion passed unanimously.

Financial Matters:

Mr. Zes presented the mid-year financial report and reported that the 2018 budget process has begun.

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

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

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

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

Department Reports:

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

Ms. Collette Koscielski, with Paric/Navigate Building Solutions, gave a status update on the construction of new Firehouse No. 1 noting that the concrete on the driveway and surrounding the Fire House is complete. A walk through for a punch list is scheduled next week and substantial completion may be issued to ICS Construction, who will then have one month to complete the punch list items. The project is still within budget. Council Member Fox announced that the dedication cere-

mony has been tentatively scheduled for September 10th with an open house from 4-7 p.m.

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

Chief Wooten requested approval of the purchase of a portable fingerprint unit. The unit can be brought on scene to fingerprint immediately instead of transporting a suspect to the police station and can be brought to the lobby of the Police Department to be used to fingerprint residents and others requesting fingerprints for employment or other reasons. This will be an additional unit with no trade-in.

Council Member Fox moved approval to authorize the Police Chief to purchase a portable LiveScan fingerprint unit and two MorphoIDent devices from MorphoTrak at a cost of \$10,750.00, seconded by Council Member Brennan, which motion passed unanimously.

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

Ms. Lamitola requested authorization to purchase seven new steel leaf boxes to replace the aging boxes that are failing. The low bid totals \$34,440.00 which is over the budget amount of \$25,000.00. However, due to an underrun in other capital expenditures the purchase of all seven boxes is being requested.

Council Member Hiemenz moved approval to authorize the Public Works Director to purchase seven new steel leaf boxes from Contractors Welding at a cost of \$34,440.00, seconded by Council Member Fox, which motion passed unanimously.

Ms. Lamitola requested authorization to purchase a new Backhoe at a cost of \$126,087.52 with trade-in value of \$104,000.00 for both the old front-end loader and backhoe resulting in a net cost of \$22,087.52. The John Deere 310SL HS Backhoe will be purchased from Erb Equipment under the Missouri State Bid.

Council Member Hensley moved approval to authorize the Public Works Director to purchase a John Deere 310SL HS Backhoe from Erb Equipment at a cost of \$126,087.52, seconded by Council Member Howell, which motion passed unanimously.

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

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

Administration/City Clerk: Ms. Rider requested approval of an agreement between the City and STL Programs for the publication of the 2018 Ladue Community Directory. There is no change in the agreement from the previous two years and no cost to the City.

Council Member Hiemenz moved approval of the agreement between the City and STL Programs for the publication of the 2018 Ladue Community Directory, seconded by Council Member Hensley, which motion passed unanimously.

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

Appointments: None

Mayor Spewak noted that the next Council meetings are scheduled for Monday, August 21st and Monday, September 18th.

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) and employee matters under section 610.021 (3).

Council Member Howell 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) and employee matters under section 610.021 (3), seconded by Council Member Fox and the vote thereupon was as follows:

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


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

The Mayor and Council went into closed session at 5:35 PM with Ms. Erin Seele, Ms. Anne Lamitola and Mr. Chris Hesse.

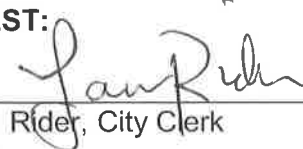
The Mayor and Council returned to open session at 6:11 PM with Ms. Erin Seele.

Adjournment: Council Member Fox moved adjournment, seconded by Council Member Hiemenz, which motion passed unanimously. The meeting adjourned at 6:12 PM.

APPROVED THIS 21ST DAY OF AUGUST, 2017.



Nancy Spewak, Mayor

ATTEST:


Laura Rider, City Clerk