

**CITY COUNCIL OF THE CITY OF LADUE
ST. LOUIS COUNTY, MISSOURI
MONDAY, AUGUST 21, 2017**

The regular meeting of the City Council of the City of Ladue, St. Louis County, Missouri, was held on Monday, August 21, 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
Harold Burroughs
William Brennan
Patrick Hensley

Absent:
John Howell

Five 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; Ms. Andrea Sukanek, City Planner and Ms. Erin Seele, City Attorney.

Approval of the Agenda: Mayor Spewak announced that there is an amendment to the agenda to add "Request for approval for the City Clerk to accept a proposal for roof replacement for the court administrator's office from Premiere Roofing at a cost of \$4,012.00".

Council Member Fox moved approval of the agenda as amended, seconded by Council Member Brennan, 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 July 17, 2017, July 21, 2017 and August 2, 2017. Council Member Hiemenz moved approval of the minutes as submitted for the regular and closed meetings of July 17, 2017, July 21, 2017 and August 2, 2017, seconded by Council Member Burroughs, which motion passed unanimously.

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 proposed text amendment to the Zon-

ing Ordinance (#1175) regarding proposed construction and storm water runoff requirements in the E1 Zoning District as well as amended definitions for floor area and other relevant terms.

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

Council Member Fox 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.

PH2: The City Council will consider a recommendation from the Zoning and Planning Commission that the Council approves a request for a Special Use Permit for a Stealth Communication Tower in the "C" Residential District. The Tower is proposed to be located at 9551 Litzsinger Road in Tilles Park.
MOTION REQUIRED TO APPROVE.

Council Member Hensley 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 17-06 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 Brennan moved to close the public hearing, seconded by Council Member Burroughs, which motion passed unanimously.

Council Member Fox moved approval of a Special Use Permit for a Stealth Communication Tower in the "C" Residential District located on the property at 9551 Litzsinger Road in Tilles Park submitted by Missouri American Water with amendment to condition No. 2 – the stealth tower shall be surrounded and appropriately screened in accordance with a landscape plan as approved by St. Louis County Parks and the City of Ladue, seconded by Council Member Hiemenz. There being four aye votes and one nay vote by Council Member Burroughs, the motion passed.

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 proposed text amendment to Zoning Ordinance (#1175), Section II, Section IV-A (4) (d) and Section XIV, regarding short term rental bans in all residential districts.

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

Ms. Erin Seele, City Attorney, stated that the hearing notice, the Zoning and Planning File ZPC 17-07 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 Fox, 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 consideration of a text amendment and zoning change to update zoning use categories and address zoning questions in Ladue.

Ms. Sukanek's recommendation would be to add a second commercial zoning district category (G-2) that would include areas currently zoned G commercial that lie east of I-170 and adjacent to Lindbergh. All commercial areas along Clayton Road would be zoned G-1.

The proposed zoning changes are meant to address a number of issues including the allowance of drive-through facilities with a Special Use Permit in the G-2 zoning district but prohibit all drive-through facilities in the G-1 zoning district and allowance of auto rentals and sales with a Special Use Permit in the G-2 zoning district. The new zoning district will clarify where personal service type businesses such as fitness centers, nail salons and dry cleaning facilities should be allowed and whether a Special Use Permit shall be required.

Additionally, the goal will be to clean up any inconsistencies and update any language that is out-of-date in the zoning use categories, as well as add any definitions that are needed for clarification.

Council Member Fox moved referral of the consideration of a text amendment and zoning change to update zoning use categories and address zoning questions in Ladue to the Zoning and Planning Commission for review and recommendation, seconded by Council Member Brennan, which motion passed unanimously.

Old Business: None

New Business:

Proposed Legislation:

Bill No. 2163 – An ordinance amending Sections V and XIV of Ordinance 1175, the Zoning Ordinance of the City of Ladue, St. Louis County, Missouri, regarding requirements for structures in the E-1 Zoning District and the definition of floor area, and Section 110-142 of the Ladue Code of Ordinances regarding new storm water runoff requirements to be enforced for the E-1 Zoning District.

Upon the first reading of Bill No. 2163 by Mayor Spewak and second reading by Council Member Fox, Council Member Hensley moved referral of Bill No. 2163 back to the Zoning and Planning Commission for consideration of the Floor Area Ratio (FAR) defined from exterior walls as opposed to interior walls, consideration of

applying the new storm water requirements to all zoning districts instead of only E-1 District and the stay of acceptance of applications shall remain in effect, seconded by Council Member Fox, which motion passed unanimously.

Bill No. 2164 – An ordinance amending Sections II, IV, and XIV of Ordinance 1175, the Zoning Ordinance of the City of Ladue, St. Louis County, Missouri, concerning prohibiting short-term rentals and rental of accessory structures.

Mayor Spewak read Bill No. 2164 for a first reading.

Council Member Hiemenz moved amendment of Bill No. 2164 by removing Section 2 - accessory structures. Council Member Burroughs asked what Council Member Hiemenz intent was in the removal of accessory structures. Council Member Hiemenz explained that he was unsure if the Zoning and Planning Commission had fully vetted the banning of accessory structures as rentals. He stated he was not aware of any complaints regarding carriage houses as rentals. Ms. Sukanek noted that under the current zoning ordinance accessory structures are only allowed to be rented by family members and caretakers.

After further discussion, Ms. Seele advised that the Council could move forward with the ordinance as introduced or could discuss accessory structures separately.

Council Member Hiemenz withdrew his motion to amend Bill No. 2164.

Council Member Fox moved approval of Bill No. 2164, seconded by Council Member Hensley, and the vote thereupon was as follows:

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

There being four aye votes and one nay vote the motion passed.

Mayor Spewak declared Bill No. 2164 adopted as **Ordinance 2164**.

Resolution No. 2017-20 – A resolution authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a proposal from Sentinel Emergency Solutions and Rosenbauer Minnesota, LLC for the manufacture and purchase of a pumper truck.

Fire Chief Lynn and Captain Jeremy Carron, who served as Chairman of the Truck Design Committee, reported that the research and design for the pumper began sixteen months ago. The decision was made to switch from Pierce to Rosenbauer; both of which are comparably priced. Discussion ensued regarding which area departments have the Rosenbauer pumper, satisfaction levels, reserve equipment and potential maintenance costs.

Chief Lynn stated that payment will be made when the city takes possession in 2018. The best option for payment may be lease payments over four years.

Council Member Brennan moved adoption of Resolution No. 2017-20, seconded by Council Member Hensley, which motion passed unanimously.

Resolution No. 2017-21 – A resolution authorizing the Mayor to execute on behalf of the City a Rights-of-Way Use Agreement with MCIMetro Access Transmission Services Corp. d/b/a Verizon Access Transmission Services.

Ms. Seele stated that this agreement is similar to the Right-of-Way (ROW) Agreement with Extenet. MCIMetro Access already has underground fiber facilities in the City's ROW; however, they want to update their payments to the current rates per linear foot. MCIMetro is working to get a final number on the length of fiber in the City's ROW but have been unable to do that thus far. Also, the City does not believe MCIMetro is fully up to date on their payments to the City. If remedied, there is no reason to delay the execution of the agreement.

Ms. Seele presented **Resolution No. 2017-21A** which grants further authority to the Mayor and City Attorney to adjust the linear feet of facilities estimates identified within the Rights-of-Way Use Agreement based on any subsequent verification of information, to work with MCIMetro to remedy any known current obligations, and to otherwise carry out the intent of the resolution.

Council Member Fox moved adoption of Resolution No. 2017-21A, seconded by Council Member Hiemenz, which motion passed unanimously.

Financial Matters:

Mr. Zes requested a special Council meeting in late September to set the property tax rates. Mayor Spewak asked Mr. Zes to follow up with an email to Council to schedule the meeting.

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

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

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

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

Department Reports:

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

Chief Lynn reported that Fire House No. 1 is substantially complete. The staff will begin moving in soon and the House will go live on August 28th. A dedication ceremony is scheduled for September 10th at 3:00 p.m. with an open house from 3:45-6:00 p.m.

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

Chief Wooten requested approval of the purchase of new office furniture for the Detective Bureau as the existing furniture is outdated and showing signs of wear. The new furniture is expected to last 17-18 years. If approved, the furniture will be purchased from CI Select at a cost of \$11,149.56.

Council Member Burroughs moved approval to authorize the Police Chief to purchase office furnishings for the Detective Bureau from CI Select at a cost of \$11,149.56 as detailed in the packet, seconded by Council Member Brennan, which motion passed unanimously.

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

Ms. Lamitola reported that an open house was held to gather resident input regarding the ADA self-evaluation, over-night road work on Old Warson and Woodlawn will be conducted on Tuesday and Wednesday, August 22nd and 23rd, and post cards with the leaf collection schedule will go out in September.

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

Mayor Spewak asked staff to check into why the field for contractor name has been eliminated from the monthly report and if it could be added again.

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

Administration/City Clerk: Ms. Rider requested approval to purchase office furniture for the Administration Department for both accounting clerks' work areas. The current furniture was purchased used and has been in use for many years, is outdated and not functioning properly. The request is to purchase from CI Select at a cost of 12,574.00, which is slightly over the budget amount by \$574.00. However, another budgeted item in the Capital Fund, a server, is being purchased under budget by \$828.00, which will offset the overage for the furniture.

Council Member Fox moved approval to authorize the City Clerk to purchase office furnishings for the Administration Department from CI Select at a cost of

\$12,574.00 as detailed in the packet, seconded by Council Member Hiemenz, which motion passed unanimously.

Ms. Rider reported that the roof over the Court Administrator's office has developed leaks. Public Works staff attempted to seal areas that appeared weak but were unsuccessful. The flat roof is more than ten years old and there is evidence of previous leaks. Four bids paying prevailing wage were received for the replacement of the roof, with Premier Roofing submitting the lowest and best bid of \$4,012.00.

Council Member Brennan moved approval of the bid proposal from Premier Roofing at a cost of \$4,012.00, including prevailing wage, for the replacement of the roof over the Court Administrator's office, 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, September 18th and Monday, October 16th.

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 Fox 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 Hensley and the vote thereupon was as follows:

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

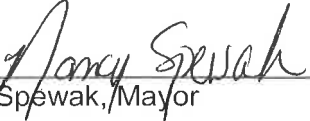
There being five aye votes and zero nay votes the motion passed unanimously.

The Mayor and Council went into closed session at 6:06 PM with Ms. Erin Seele.

The Mayor and Council returned to open session at 6:24 PM with Ms. Erin Seele.

Adjournment: Council Member Hiemenz moved adjournment, seconded by Council Member Brennan, which motion passed unanimously. The meeting adjourned at 6:24 PM.

APPROVED THIS 18TH DAY OF SEPTEMBER, 2017.



Nancy Spewak, Mayor

ATTEST:


Laura Rider, City Clerk