

**CITY COUNCIL OF THE CITY OF LADUE
ST. LOUIS COUNTY, MISSOURI
MONDAY, OCTOBER 17, 2016**

The regular meeting of the City Council of the City of Ladue, St. Louis County, Missouri, was held on Monday, October 17, 2016, at 4:05 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 Howell
Patrick Hensley
John Fox
Harold Burroughs
William Brennan

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 Steve Lynn, Ms. Anne Lamitola, Public Works Director; Ms. Andrea Sukanek, City Planner and Ms. Erin Seele, City Attorney. Mr. Will Penney, Building official, was absent.

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

Approval of Minutes: Mayor Spewak asked for any amendments, corrections or clarifications to the Minutes of the Regular and Closed Meetings of September 19, 2016 and Regular Meeting of September 29, 2016. Council Member Hiemenz moved approval of the Minutes of the Regular and Closed Meetings for September 19, 2016 and Regular Meeting of September 29, 2016, seconded by Council Member Howell, which motion passed unanimously.

Public Forum: No one addressed the Mayor and City Council.

Public Hearing: The City Council will hold a Public Hearing on an application to rezone the Clayprice Subdivision from B Residential Zoning (1.8 acre minimum) to C Residential Zoning (30,000 square foot minimum). The addresses of the properties involved: 3, 4, 5 & 6 Clayprice Court.
(Z&P recommends denial ZPC 16-09)

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 16-09 as well as the entire Code of Ordinances and Ordinance No. 1175 are entered as part of the record and are available for review.

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

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

Public Hearing: The City Council will hold a Public Hearing on a recommendation submitted by the Zoning and Planning Commission that the City Council approve a Special Use Permit for Extenet Systems, Inc. to install a telecommunication small cell antenna on top of a utility pole along with radio and power equipment. The height of the pole will be increased by approximately 11 feet. The pole is located on Cedar Crest Street (near the rear of 17 Oakleigh Lane). **(Z&P recommends approval ZPC 16-12)**

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

Ms. Erin Seele, City Attorney, stated that the hearing notice, the Zoning and Planning File ZPC 16-12 as well as the entire Code of Ordinances and Ordinance No. 1175 are entered as part of the record and are available for review.

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

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

Council Member Hiemenz moved approval of the Special Use Permit, as amended, for ExteNet Systems, Inc. to install a telecommunication small cell antenna on top of a utility pole along with radio and power equipment located on Cedar Crest Street, seconded by Council Member Brennan, which motion passed unanimously.

Zoning & Planning Matters:

ZP-1 Referral to Zoning and Planning Commission for a Special Use Permit for a proposed 85 foot cell tower concealed as a pine tree at #2 Godwin Lane.

Ms. Sukanek stated that the proposed location of the tower is at I-64 and McKnight Road on excess property owned by the Missouri Department of Transportation. Several variances will be required.

There was discussion with regard to the power source, coverage area and location of the tower. A resident from Godwin Lane expressed concern with regard to how cell towers and power lines affect property values.

Mr. Doug Dolan, applicant, stated that the proposed pine tree is the same tree that was recently erected on Clayton Road on property adjacent to the Ladue

Fire House No. 1. A meeting will be scheduled with the neighbors to address their concerns.

Council Member Hiemenz moved referral of the Special Use Permit for a proposed 85 foot cell tower concealed as a pine tree at #2 Godwin lane to the Zoning and Planning Commission for review and recommendation, seconded by Council Member Fox, which motion passed unanimously.

ZP-2 Referral to Zoning and Planning Commission for a Special Use Permit for a proposed 85 foot cell tower concealed as a pine tree at 9810 South Outer 40 Road.

Mayor Spewak stated that the proposed location is on city owned property at the mulch site. The applicant and representatives of the City walked the site to determine the best location for the tower.

Mr. Dolan stated that the tower will provide expanded coverage for the residents. The location and compensation is subject to an acceptable agreement with City.

Council Member Burroughs moved referral of the Special Use Permit for a proposed 85 foot cell tower concealed as a pine tree at 9810 South Outer 40 Road to the Zoning and Planning Commission for review and recommendation, seconded by Council Member Fox, which motion passed unanimously.

Old Business: None

New Business:

Proposed Legislation:

Bill No. 2139 – An ordinance of the City of Ladue, St. Louis County, Missouri, authorizing the Mayor to execute an agreement on behalf of the City of Ladue, Missouri with the Missouri Highways and Transportation Commission whereby the Commission grants permission to allow the installation of ornamental fencing and the City agrees to provide for the maintenance thereof and authorizing the Mayor to execute an agreement with the Desco Group, Inc. whereby Desco agrees to assume all City obligations under the Commission agreement.

Mr. Scott Smith, with Lochmueller Group, who represents Desco, displayed a rendering of the fence to be installed on the property of the West Ladue Schnucks store.

Mr. Tony Bommarito asked if Desco would consider installing the fence at the rear of the property along the highway also. Mr. Smith stated that he will take the request back to Desco for consideration.

Mayor Spewak read Bill No. 2139 for a first reading. Council Member Fox read Bill No. 2139 for a second reading.

Council Member Howell moved approval of Bill No. 2139, seconded by Council Member Brennan 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. 2139 adopted as **Ordinance 2139**.

Bill No. 2140 – An ordinance granting a rezoning of the Lots in Clayprice Subdivision (Lots 1, 2, 3 & 4 of Clayprice Subdivision, more commonly known as 3, 4, 5 & 6 Clayprice Court) from B Residential (1.8 acres minimum lot size) to C Residential (30,000 square foot minimum lot size).

Council Member Brennan read Bill No. 2140 for a first reading. The bill failed to get a second reading.

Resolution No. 2016-16 – A resolution upholding the recommendation of the Zoning and Planning Commission to deny an application to rezone the lots in Clayprice Subdivision (Lots 1, 2, 3 & 4 of Clayprice Subdivision, more commonly known as 3, 4, 5 & 6 Clayprice Court) from B Residential (1.8 acres minimum lot size) to C Residential (30,000 square foot minimum lot size).

Council Member Fox moved approval of Resolution No. 2016-16, seconded by Council Member Brennan, which motion passed unanimously.

Financial Matters:

The Council reviewed the **vouchers for payment** for the month of September 2016. Council Member Fox 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 September 2016. The Mayor ordered the reports filed for information.

The Mayor and Council reviewed the Financial Reports for September 2016. The Mayor ordered the reports filed for information.

The Mayor and Council reviewed the Cash Flow Summary for September 2016. The Mayor ordered the report filed for information.

The Mayor and Council reviewed the Delinquent Real Estate Tax Report for September 2016. The Mayor ordered the report filed for information.

Department Reports:

Fire Department: The Mayor and Council reviewed the Fire Department Activity Report for September 2016. The Mayor ordered the report filed.

Ms. Collette Koscielski, with Paric, gave an update on the construction of the new Firehouse No. 1. The foundation and basement are complete and backfilling will begin soon. Sewer work on Price Road will begin on October 31st. Council Member Fox added that the project is still well within budget.

Police Department: The Mayor and Council reviewed the Police Activity Report for the period September 2016. The Mayor ordered the report filed.

Public Works Department: The Mayor and Council reviewed the Public Works report for September 2016. The Mayor ordered the report filed.

Building Office Report: The Mayor and Council reviewed the Building Office report for September 2016. The Mayor ordered the report filed.

Municipal Court: The Mayor and Council reviewed the Municipal Court Report for September 2016. The Mayor ordered the report filed.

Administration/City Clerk: Ms. Rider had nothing new to report.

City Attorney: Ms. Seele had nothing new to report.

Appointments: There were no appointments.

Mayor Spewak noted that the next meetings are scheduled for November 21st at 3:00 p.m. (Budget Workshop) followed by the Regular Council Meeting at 4:00 p.m. and December 19th.

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 RSMo. 610.021 (1); seconded by Council Member Hiemenz, 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"

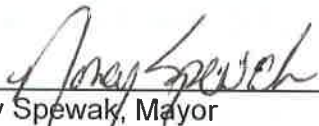
There being six aye votes and zero nay votes the motion passed unanimously.

The Mayor and Council went into closed session at 5:07 PM with Ms. Erin Seele and Ms. Anne Lamitola.

The Mayor and Council returned to open session at 5:14 PM with Ms. Erin Seele and Ms. Anne Lamitola.

Adjournment: Council Member Howell moved adjournment, seconded by Council Member Hiemenz, which motion passed unanimously. The meeting adjourned at 5:14 PM.

APPROVED THIS 21ST DAY OF NOVEMBER 2016.



Nancy Spewak, Mayor

ATTEST:



Laura Rider, City Clerk