

CITY COUNCIL OF THE CITY OF LADUE
ST. LOUIS COUNTY, MISSOURI
MONDAY, OCTOBER 21, 2019

The meeting of the City Council of the City of Ladue, St. Louis County, Missouri, was held on Monday, October 21, 2019, at 4:00 p.m., at City Hall, 9345 Clayton Road. The following members were present:

The Hon. Nancy Spewak, Mayor, presiding.

Members of the Council present:

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; Mr. Sam Zes, Finance Director; Police Chief Ken Andreski, Jr.; Police Captain Brian Dieckmann; Fire Chief Steven Lynn; Ms. Anne Lamitola, Public Works Director; Ms. Andrea Sukanek, City Planner; and Ms. Erin Seele, City Attorney. Mr. Roger Stewart, Building Official, was absent.

Approval of the Agenda: Council Member Fox moved approval of the agenda, with second by Council Member Howell, 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 and Closed Meetings of September 16, 2019 and Special Meetings of September 23, 2019 and September 27, 2019. Council Member Brennan moved approval of the minutes as submitted for the Regular and Closed meetings of September 16, 2019 and the Special Meetings of September 23, 2019 and September 27, 2019, with second by Council Member Fox the motion passed unanimously.

Public Forum: Representatives of the Ladue School District Board of Education presented Mayor Spewak with a plaque in appreciation of the Mayor and City Council support of the school district.

Public Hearings:

PH1: The City Council will hold a public hearing on a recommendation submitted by the Zoning and Planning Commission that the City Council approves a Text Amendment to Section IV of the Ladue Zoning Ordinance regarding fences.

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

Ms. Sukanek provided explanation for the text amendment which would update, clarify and eliminate contradictions within the zoning ordinance. Temporary construction fences were reviewed which are different from permanent fences and residential fence materials versus commercial fence materials. The current ordinance was unclear regarding the regulation of vinyl fencing. The recommended changes allow fence colors in black, white, brown and gray. However, other colors may be approved by the Architectural Review Board (ARB). The ARB must approve a variance to a fence.

Council Member Fox reported he met with ARB members and they were comfortable with the proposed changes.

Council Member Burroughs inquired about the maximum allowed fence height. Ms. Sunanek responded the proposed changes would allow the Zoning and Planning Commission to authorize fences over six feet in height under a Special Use Permit and for commercial site plans, but fence height for residential districts was not changing.

Council Member Burroughs moved to close the public hearing, with second by Council Member Hensley the motion passed unanimously.

The transcript of the public hearing is on file with the City Clerk.

PH2: The City Council will hold a public hearing on a recommendation submitted by the Zoning and Planning Commission that the City Council approves a Special Use Permit for an educational facility to teach computer skills to children. The property is located at 9727 Clayton Road in the G1 Zoning District.

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

Mr. Kyle Johnson, with Code Ninjas, was present and gave an overview of the services they provide. Code Ninjas is a program for children ages seven to fourteen which teaches computer coding skills, along with robotics, in one-hour sessions at the students' pace. They start with fundamentals and move on to video games. Most parents drop off students for class and return later to retrieve them so parking shouldn't be an issue.

Ms. Sukanek reported the Zoning and Planning Commission requested parents dropping off students use a parking space and not stop anywhere on the lot to drop off or pick-up.

Mr. Johnson mentioned the hours of operation are 3:30 p.m. to 8:00 p.m. Monday through Friday with a few Saturday hours. They have seating for thirty-nine students but realistically there would be room for thirty students at any one time.

Ms. Seele stated the public hearing notice for the Special Use Permit (SUP), the entire SUP file and the entire Code of Ordinances were available at the meeting and made a part of the official record.

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

Council Member Brennan moved approval of the Special Use Permit issued to Code Ninjas for an educational facility to teach computer skills to children, with second by Council Member Fox the motion passed unanimously.

The transcript of the public hearing is on file with the City Clerk.

PH3: The City Council will hold a public hearing on a recommendation submitted by the Zoning and Planning Commission that the City Council approves a Special Use Permit for a restaurant with an outdoor patio and with liquor to be served by the drink. The property is located at 8885 Ladue Road (Ladue Crossing) in the G2 Zoning District.

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

Mr. Ryan Huy, representative of Shake Shack, was present and gave an overview of the business and their goal of creating a welcoming community gathering spot. Their menu includes burgers, fries and frozen custard.

Mr. Tim Spiegelglass, with Spiegleglass Construction Company, presented a sketch of the outdoor patio. The patio will be fenced and lit with string lights and have patio heaters for use during cold weather. The liquor license would be for beer and wine by the glass. Council Member Brennan inquired if Shake Shack was full service or fast food and hours of operation. Mr. Spiegelglass explained Shake Shack is a fast, casual restaurant with counter service with hours from 11 a.m. to 10 p.m. The patio would be open year-round.

There was a question regarding parking and Mayor Spewak confirmed a variance was granted.

Mr. Elliot Reed, working with Shake Shack, presented a site plan and reviewed the parking areas and stated where parking will be added they would use pavers instead of asphalt and would eliminate some green space to add thirty parking spaces. It was noted the existing parking met the code requirements already, but they wanted to add more spaces for customer convenience.

Ms. Seele stated the public hearing notice for the Special Use Permit (SUP), the entire SUP file, the Zoning Ordinance and the entire Code of Ordinances were available at the meeting and made a part of the official record.

Council Member Brennan moved to close the public hearing, with second by Council Member Kamps the motion passed unanimously.

Council Member Burroughs moved approval of the Special Use Permit issued to Shake Shack for a restaurant with an outdoor patio and with liquor to be served by the drink, with second by Council Member Kamps the motion passed unanimously.

The transcript of the public hearing is on file with the City Clerk.

ZP1: Referral to the Zoning and Planning Commission for review and recommendation of an Amendment to the Special Use Permit for Salem United Methodist Church located at 1200 South Lindbergh Blvd. to construct a new 2,762 square foot entry addition.

Council Member Fox moved referral to the Zoning and Planning Commission for review and recommendation of an application for Amendment to the Special Use Permit for Salem United Methodist Church to construct a new 2,762 square foot entry addition, with second by Council Member Howell the motion passed unanimously.

**New Business:
Proposed Legislation:**

Bill No. 2238 - An ordinance to amend Section IV of Ordinance 1175 – The Zoning Ordinance of the City of Ladue, St. Louis County, Missouri – to amend the requirements and restrictions regarding fences.

Mayor Spewak read Bill No. 2238, followed by a second reading by Council Member Fox.

Council Member Brennan moved approval of **Bill No. 2238**, with second by Council Member Hensley and the roll call vote thereupon was as follows:

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

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

Resolution No. 2019-34 – A resolution authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a professional services contract with Zobrio, Inc. for Information Technology Support Services.

Ms. Rider presented a summary of Zobrio's satisfactory performance since 2016 and indicated there was an increase of \$275.00 in the monthly cost, the first in three years, which was attributed to an increase in hours and additional devices on the City's network.

Council Member Burroughs moved adoption of Resolution No. **2019-34**, with second by Council Member Hensley the motion passed unanimously.

Resolution No. 2019-35 – A resolution of the City of Ladue adopting the St. Louis Regional Hazard Mitigation Plan.

Ms. Rider provided an overview of the hazard mitigation plan and its history and explained East West Gateway Council of Governments was working on an updated plan over the summer and sought community input on development of the next five-year plan. Ladue participated with completion of a questionnaire. In order to be eligible to apply for pre-hazard mitigation funds, the City Council must adopt the final St. Louis Regional Hazard Mitigation Plan by resolution. Adoption of the plan places no commitment on the City.

Council Member Howell moved adoption of Resolution No. **2019-35**, with second by Council Member Burroughs the motion passed unanimously.

Resolution No. 2019-36 – A resolution adopting the updated Operation and Maintenance Program for the prevention and reduction of pollution in storm water runoff from municipal operations within the City of Ladue.

Ms. Lamitola explained Missouri Department of Natural Resources issued a Phase II Storm Water Permit to the City in 2003. The City is a co-permittee along with other municipalities in the region. The permit requires six different minimum control measures, one of which is pollution prevention and good housekeeping for municipal operations, including tracking salt usage. The Operation and Maintenance Program includes very specific information which must be updated every five years.

Council Member Burroughs moved adoption of Resolution No. **2019-36**, with second by Council Member Hensley the motion passed unanimously.

Financial Matters:

The Council reviewed the vouchers for payment for the month of September 2019.

Council Member Kamps moved their approval, with second by Council Member Brennan, the motion passed unanimously.

The Mayor and Council reviewed the Treasurer's and Collector's report for September 2019. The Mayor ordered the reports filed for information.

The Mayor and Council reviewed the Financial Report for September 2019. The Mayor ordered the report filed for information.

The Mayor and Council reviewed the Cash Flow Summary for September 2019. The Mayor ordered the report filed for information.

The Mayor and Council reviewed the Delinquent Real Estate Tax Report for September 2019. The Mayor ordered the report filed for information.

Department Reports:

Fire Department: The Mayor and Council reviewed the Fire Department Activity Report for September 2019. The Mayor ordered the report filed.

Police Department: The Mayor and Council reviewed the Police Activity Report for September 2019. The Mayor ordered the report filed.

Chief Andreski presented a request for authorization to purchase new in-car camera/video systems for seven patrol vehicles along with microphones for twenty-six officers. The proposal includes a five year agreement with the vendor Utility/Bodyworn. The Chief reported St. Louis County Police Department tested and vetted the same system and have plans to purchase soon. Ladue Board of Fire and Police Commissioners unanimously recommended approval of the purchase.

Captain Dieckmann gave an overview of the features of the system including access, security and storage capacity and the potential to add body cameras or license plate readers in the future.

Council Member Brennan moved authorization for the Police Chief to purchase new in-car camera/video systems for seven (7) patrol vehicles along with microphones for twenty-six (26) officers from Utility/Bodyworn under a five (5) year service agreement with year one cost of \$59,000.00 and years two – five cost of \$5,687.50 each year, with second by Council Member Burroughs the motion passed unanimously.

Public Works Department: The Mayor and Council reviewed the Public Works Report for September 2019. The Mayor ordered the report filed.

Ms. Lamitola reported on upcoming public meeting dates and the start of leaf collection. She further reported the first round of notices providing information regarding pre-blast inspections for MSD's DC02/DC03 sanitary sewer project were distributed.

Ms. Lamitola presented a small project storm water grant application submitted for the property at 10104 Conway Road in the amount of \$25,000.00 which is the maximum amount allowed under the program. This project was for stream bank stabilization. The application had been reviewed by staff and the Storm Water Advisory Committee.

Council Member Fox moved approval of the small project storm water grant application for 10104 Conway Road in the amount of \$25,000.00, with second by Council Member Brennan the motion passed unanimously.

Ms. Lamitola requested authorization to purchase one (1) new one-ton truck through the Missouri Department of Transportation State Bid Contract #IFB605CO19001412 from Dave Sinclair Ford at a cost of \$52,369.40. Ms. Lamitola explained the purchase was a budgeted item in the Capital Fund and the truck would be received in 2020.

Council Member Hensley moved authorization for the Public Works Director to purchase one (1) one-ton truck under the Missouri Department of Transportation State Bid Contract from Dave Sinclair Ford at a cost of \$52,369.40, with second by Council Member Brennan the motion passed unanimously.

Building Office Report: The Mayor and Council reviewed the Building Office report for September 2019. The Mayor ordered the report filed.

Municipal Court: The Mayor and Council reviewed the Municipal Court Report for September 2019. The Mayor ordered the report filed.

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

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

Mayor Spewak noted the next Council meetings were scheduled for Monday, November 18, 2019, Budget Work Session at 3 P.M. followed by regular meeting at 4:00 P.M. and Monday, December 16, 2019.

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 and leasing, purchase or sale of real estate pursuant to RSMo. Section 610.021 (1) (2).

Council Member Kamps moved to go into closed session for discussion of litigation, legal actions and/or any confidential or privileged communications from the City Attorney and leasing, purchase or sale of real estate pursuant to RSMo. 610.021 (1) (2), with second by Council Member Hensley and the roll call vote thereupon was as follows:

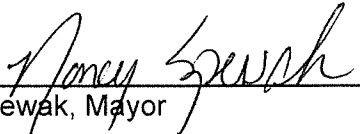
Council Member Hensley	"Aye"
Council Member Fox	"Aye"
Council Member Kamps	"Aye"
Council Member Howell	"Aye"
Council Member Burroughs	"Aye"
Council Member Brennan	"Aye"

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

The Mayor and Council went into closed session at 4:53 PM with Ms. Erin Seele and Ms. Anne Lamitola.


The Mayor and Council, with the exception of Council Member Howell who left closed session at 5:39 P.M, returned to open session at 5:42 PM with Ms. Erin Seele and Ms. Anne Lamitola.

Adjournment: Council Member Brennan moved adjournment, with second by Council Member Hensley, the motion passed unanimously. The meeting adjourned at 5:42 PM.



Nancy Spewak, Mayor

ATTEST:



Laura Rider, City Clerk