

**CITY COUNCIL OF THE CITY OF LADUE  
ST. LOUIS COUNTY, MISSOURI  
MONDAY, DECEMBER 17, 2018**

The regular meeting of the City Council of the City of Ladue, St. Louis County, Missouri, was held on Monday, December 17, 2018, 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  
Harold Burroughs (arrived 4:09 p.m.)  
William Brennan

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.; Fire Chief Steven Lynn; Ms. Anne Lamitola, Public Works Director; Mr. Roger Stewart, 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 upon amendment to add Resolution No. 2018-36 (A resolution authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a contract with Vividsites for support and maintenance of the City's website), seconded by Council Member Brennan, which motion passed unanimously.

**Employee Recognition Presentation:** Mayor Spewak and Chief Andreski recognized Captain Darin McClure upon his retirement after 31 years of service with the Ladue Police Department.

**Announcement:** Mayor Spewak announced the Ladue Garden Club has generously awarded a grant from the Mary Stacey Memorial Fund to the City for a tree inventory project. Mayor Spewak went on to share details about Mary Stacey's life, background and involvement with the Garden Club. Ms. Laure Hulverson, Ladue Garden Club, introduced Mary's husband, Mr. Larry Stacey and thanked him for this gift.

**Recognition and Congratulatory Comments:** Mayor Spewak presented a certificate to the Ladue Horton Watkins Rams Football Team and recognized the team's accomplishment as the state champions.

**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 No-

vember 19, 2018. Council Member Brennan moved approval of the minutes as submitted for the regular and closed meetings of November 19, 2018, seconded by Council Member Burroughs, which motion passed unanimously.

**Public Forum:** Mr. Ray Potter, 13 Midpark Lane, acknowledged the City lowered the flower pots along Clayton Road but expressed continued safety concerns with other plantings in front of the shops and with trucks making deliveries in front of the businesses in this area instead of delivering at the back entrances.

**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 an Amendment to Section V to adjust and clarify certain yard setback issues in the Zoning Ordinance #1175.

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

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

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

**PH2:** The City Council will hold a public hearing on a recommendation submitted by the Zoning and Planning Commission that the City Council approves Amendments to Section IV to adjust and clarify the current night lighting restrictions in the Zoning Ordinance #1175.

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

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

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

**PH3:** The City Council will hold a public hearing on a recommendation submitted by the Zoning and Planning Commission that the City Council approves Amendments to a Special Use Permit for Community School located at 900 Lay Road to add an outdoor pavilion to be used by students and teachers for outdoor learning.

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

\*The minutes were amended by adding "Council Member Kamps disclosed she was recently asked to serve on the Community School Finance Committee and her involvement in such committee would not affect her Ladue City Council vote for the outdoor structure that Community School requested an SUP amendment for."

Council Member Howell moved to close the public hearing, with second by Council Member Fox the motion passed unanimously, with the exception of Council Member Kamps who abstained from voting.

Council Member Fox moved approval of the Amended Special Use Permit for Community School located at 900 Lay Road to add an outdoor pavilion to be used for outdoor learning, seconded by Council Member Howell, the motion passed unanimously, with the exception of Council Member Kamps who abstained from voting.

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

**PH4:** The City Council will hold a public hearing on the report of the Finance, Revenue and Taxation Committee recommending the City's proposed budget for the year January 1, 2019 – December 31, 2019.

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

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

Council Member Fox moved approval of the 2019 Budget, with second by Council Member Brennan the 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 review and recommendation of an application for a Special Use Permit to open a "health and wellness center" at 9727 Clayton Road in the Granaway Shops complex.

Ms. Sukanek stated the application is for a special use permit in the G1 zoning district for a health and wellness center.

Council Member Fox moved referral to the Zoning and Planning Commission for review and recommendation of an application for a Special Use Permit to open a "health and wellness center" at 9727 Clayton Road in the Granaway Shops complex, seconded by Council Member Hensley which motion passed unanimously.

**ZP2:** Referral to the Zoning and Planning Commission for review and recommendation of an application to establish a Planned Development District at the Rock Hill Quarries site at 1233 North Rock Hill Road.

Ms. Sukanek explained the application is for a general development plan. The application and plan appear to comply with the basic requirements in the City's new district; 1) site is greater than 40 acres in size; 2) proposed district is contiguous with the municipal boundary of the City; 3) proposed district will have a mix of

uses; 4) proposed pattern of development cannot be achieved under a base zoning district; 5) proposed uses improve the current industrial nature of the site and support the goals of the comprehensive plan that this industrial site be adapted into quality low-rise buildings with a mix of commercial, retail and residential uses.

Council Member Fox inquired about the four alternative plans and the effect on the floodway. Ms. Sukanek explained that as the review process progresses the applicant will narrow it down to one plan. There are a number of agencies that will review the plan because of the floodway involvement including FEMA, DNR, MSD and the City's Flood Plain Administrator.

Mayor Spewak pointed out a few items for the Zoning and Planning Commission to consider including storm water, potential traffic signals at the access road to the development and at Old Warson, a traffic study showing the impact on McKnight Road from Litzininger to the Highway and Litzinger to Lindbergh.

Discussion ensued and it was noted the roads within the development will be maintained by the developer and a provision in the Code requires amenities in the residential portion of the development.

Council Member Fox moved referral to the Zoning and Planning Commission for review and recommendation of an application to establish a Planned Development District at the Rock Hill Quarries site at 1233 North Rock Hill Road, seconded by Council Member Kamps, which motion passed unanimously.

**New Business:**

**Proposed Legislation:**

**Bill No. 2215** – An ordinance to amend Section V of Ordinance 1175 – the Zoning Ordinance of the City of Ladue, St. Louis County, Missouri – to amend certain requirements regarding accessory structures and other yard and setback requirements in Ladue.

Mayor Spewak read Bill No. 2215 followed by a second reading by Council Member Howell.

Council Member Fox moved to continue Bill No. 2215, with second by Council Member Kamps the motion passed unanimously.

**Bill No. 2216** – 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 outdoor lighting in Ladue.

Council Member Hensley moved to continue Bill No. 2216, with second by Council Member Fox the motion passed unanimously.

**Bill No. 2217** - An ordinance authorizing the Mayor to execute on behalf of the City of Ladue, Missouri an agreement with the Missouri Office of State Courts Administrator regarding services relating to the Show Me Courts court automation software and implementation process and imposing a court automation fee on municipal ordinance cases to assist in payment therefor.

Mayor Spewak read Bill No. 2217 followed by a second reading by Council Member Hensley.

Ms. Rider provided a brief overview of the on-going changes to the operating rules for municipal courts throughout the state. Ladue Municipal Court, along with all St. Louis County Municipal Courts, is required to transition to Show-Me Courts software being developed by the Office of State Courts Administrator (OSCA). The ordinance presented authorizes the Mayor to execute the agreement with OSCA and the collection of a seven \$7.00 surcharge for the State Court Automation Fund which will be distributed to the Department of Revenue. Ladue Court is in Group 4 of the Show Me Court software implementation plan with a live date of March 1, 2019.

Council Member Howell moved approval of Bill No. 2217 with second by Council Member Burroughs, and the roll call vote thereupon was as follows:

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

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

**Resolution No. 2018-33** – A resolution authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a contract with Muncipay LLC to offer acceptance of credit and debit card payments for City services and processing of same on behalf of City Departments and Municipal Court.

Ms. Rider explained the resolution and agreement presented is in response to requests from citizens, businesses and contractors looking for the option of paying for city services with a credit card. After reviewing different options, Muncipay was the recommended vendor that best met the City’s desire to offer alternative payment solutions with lower convenience fees to the cardholder. There are no fees to the City and compliance requirements are the responsibility of Muncipay. Ms. Rider recommended terminating the agreement with the current vendor the Municipal Court is using for online credit card payments in order to use a single source for all departments.

Council Member Hensley moved adoption of Resolution No. 2018-33, with second by Council Member Kamps the motion passed unanimously.

**Resolution No. 2018-34** – A resolution authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a Work Order with CBB for engineering consultant services under the On-Call Professional Services Contract for a Traffic Engineering Study for Warson Road at Conway Road and Ladue High School.

Ms. Lamitola stated Resolution Nos. 2018-34 and 2018-35 both fall under the City’s on-call engineering services. The first resolution calls for a traffic study for

the intersection of Warson at Conway which has been on the City's list of problematic intersections for some time. Motorists experience long delays during morning and afternoon peak hours and during school drop-off and dismissal. The cost for the study is \$16,200.00. Funding has been included in the 2019 Road and Bridge Fund budget. The Public Works Committee has reviewed the work order and recommends approval.

Council Member Fox moved adoption of Resolution No. 2018-34, with second by Council Member Hensley the motion passed unanimously.

**Resolution No. 2018-35** – A resolution authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a Scope of Services with CMT for engineering consultant services under the On-Call Professional Services Contract for completion of the Transportation Improvement Program (TIP) Application for Dielman Road Improvements.

Ms. Lamitola explained in 2015 the City applied for Transportation Improvement Program (TIP) funds for Dielman Road, but was unsuccessful. At the time, one drawback to the project was lack of connectivity for the proposed sidewalk. The City plans to apply for funding again for the project. Ms. Lamitola expressed her belief that the project will score higher this time for two reasons; the connectivity to Dielman Road sidewalks that will be constructed by Olivette and the deteriorated pavement condition which provides additional points for the application. The cost for the services is \$6,910 with funding included in the 2019 Road and Bridge Fund budget. The Public Works Committee has reviewed the scope of services and recommends approval.

Council Member Hensley moved adoption of Resolution No. 2018-35, with second by Council Member Burroughs the motion passed unanimously.

**Resolution No. 2018-36** - A resolution authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a contract with Vividsites for support and maintenance of the City's website.

Ms. Rider reported Vividsites was the creator of the City's current website and has performed minimal support and maintenance the past few years without a contract. The website needs security enhancements, content management software updates, and the City will need assistance with 3<sup>rd</sup> party links, so Vividsites has requested a contract for these enhanced services with an initial six month term of \$600 per month.

Ms. Rider requested adoption of the resolution authorizing the Mayor to execute the contract with Vividsites.

Council Member Howell moved adoption of Resolution No. 2018-36, with second by Council Member Hensley the motion passed unanimously.

Ms. Seele reported that a property owner on Winding Ridge has discovered the fire hydrant does not have sufficient water flow for fire suppression. The property owner is drafting a letter to Missouri American Water requesting they replace their infrastructure and thought the letter may be more persuasive if they have the sup-

port of the City. Ms. Seele stated the City supports that replacement would be the responsibility of Missouri American Water and requested authorization for the Mayor to join the letter.

Council Member Fox moved authorization of the Mayor joining the letter to Missouri American Water, with second by Council Member Burroughs the motion passed unanimously.

**Financial Matters:**

Mr. Zes requested approval of an amendment to the 2018 Budget for \$393,000.00 to Account 4750-6-00 Capital Expenditures – Debt Service Principal, which was the remaining balance in the Fire House Project Fund that was applied to debt service.

Council Member Fox moved approval of the amendment to the 2018 budget, with second by Council Member Hensley the motion passed unanimously.

The Council reviewed the **vouchers for payment** for the month of November 2018. Council Member Burroughs 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 November 2018. The Mayor ordered the reports filed for information.

The Mayor and Council reviewed the Financial Report for November 2018. The Mayor ordered the report filed for information.

The Mayor and Council reviewed the Cash Flow Summary for November 2018. The Mayor ordered the report filed for information.

The Mayor and Council reviewed the Delinquent Real Estate Tax Report for November 2018. The Mayor ordered the report filed for information.

**Department Reports:**

**Fire Department:** The Mayor and Council reviewed the Fire Department Activity Report for November 2018. The Mayor ordered the report filed.

Chief Lynn reported on a recent significant fire event.

**Police Department:** The Mayor and Council reviewed the Police Activity Report for November 2018. The Mayor ordered the report filed.

**Public Works Department:** The Mayor and Council reviewed the Public Works report for November 2018. The Mayor ordered the report filed.

Ms. Lamitola reported that the Lay Road project final contract amount came in under the original contract amount by \$30,000. Leaf removal continues six days per week with the exception of the week of Christmas when City offices will be closed on Christmas Day.

Discussion ensued regarding closing City offices on Christmas Eve because it falls on Monday this year. Council granted the closing of City offices on Christmas Eve.

**Building Office Report:** The Mayor and Council reviewed the Building Office report for November 2018. The Mayor ordered the report filed.

**Municipal Court:** The Mayor and Council reviewed the Municipal Court Report for November 2018. The Mayor ordered the report filed.

**Administration/City Clerk:** Ms. Seele had nothing to report.

**Committee Appointments:**

Mayor Spewak requested approval of the appointment of Jim Adams as a member of the Storm Water Advisory Committee to complete the term of Trae Meyer through 2019.

Council Member Hensley moved approval of the appointment, with second by Council Member Fox the motion passed unanimously.

Mayor Spewak requested approval of the reappointment of members to various City committees and boards.

Council Member Fox moved approval of the re-appointments, with second by Council Member Hensley the motion passed unanimously.

Mayor Spewak noted the next Council meetings are scheduled for Tuesday, January 22, 2019, and Tuesday, February 19, 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 pursuant to 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 Kamps and the roll call vote thereupon was as follows:

Council Member Kamps	"Aye"
Council Member Hensley	"Aye"
Council Member Burroughs	"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 6:06 PM with Ms. Erin Seele, Fire Chief Lynn and Assistant Chief Johnson.

The Mayor and Council, with the exception of Council Member Howell who left closed session at 6:15 P.M., returned to open session at 6:28 PM with Ms. Erin Seele, Fire Chief Lynn and Assistant Chief Johnson.

**Adjournment:** Council Member Fox moved adjournment, seconded by Council Member Hensley, which motion passed unanimously. The meeting adjourned at 6:28 PM.

**APPROVED THIS 22ND DAY OF JANUARY, 2019.**

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Nancy Spewak, Mayor

**ATTEST:**

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Laura Rider, City Clerk