

**CITY COUNCIL OF THE CITY OF LADUE
ST. LOUIS COUNTY, MISSOURI
MONDAY, DECEMBER 18, 2017**

The regular meeting of the City Council of the City of Ladue, St. Louis County, Missouri, was held on Monday, December 18, 2017, 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 (arrived at 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. Erin Seele, City Attorney and Mr. James Schiele, Chairman of the Finance, Revenue and Taxation Committee. Ms. Andrea Sukanek, City Planner 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 if there were any amendments, corrections or clarifications to the minutes of the work session, regular and closed meetings of November 20, 2017. Council Member Hiemenz moved approval of the minutes as submitted for the work session, regular and closed meetings of November 20, 2017, seconded by Council Member Brennan, which motion passed unanimously.

Public Forum: No one wished to address the Mayor and Council.

Public Hearings:

PH1: 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, 2018 – December 31, 2018.

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

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

Council Member Hiemenz moved approval of the recommendation from the Revenue, Finance and Taxation Committee on the proposed budget for the fiscal year beginning January 1, 2018 and ending December 31, 2018 with a six-month financial status report from the Finance Committee and quarterly review of the revenues and expenses formally presented by the Finance Director, seconded by Council Member Brennan, 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 a text amendment to Section V.G. (2) of the Zoning Ordinance allowing the surface of a swimming pool to be considered 50% pervious.

Ms. Lamitola stated that some applicants find this section of the Zoning Ordinance challenging and asked for a review.

Council Member Fox moved referral of a text amendment to Section V.G. (2) of the Zoning Ordinance allowing the surface of a swimming pool to be considered 50% pervious to the Zoning and Planning Commission for review and recommendation, seconded by Council Member Hensley, which motion passed unanimously.

ZP2: Referral to the Zoning and Planning Commission for text amendments to Sections IV and V of the Zoning Ordinance to include the following:

- Establish better definitions for setbacks for irregular lots
- Examine lot coverage percentages per yard
- Allow rear setbacks instead of front yard setbacks for yards on inaccessible roads
- Tweak the definitions and uses of the word "yard" in the Code to establish consistent enforcement of zoning restrictions.
- Examine the height and setbacks of accessory structures in Residential Districts C, D, E and E1
- Establish a permit procedure and building restrictions for chickens
- Establish a permit procedure and restrictions for solar panels

Council Member Hiemenz moved referral of seven text amendments to Sections IV and V of the Zoning Ordinance to the Zoning and Planning Commission for review and recommendation, seconded by Council Member Howell, which motion passed unanimously.

New Business:

Proposed Legislation:

Bill No. 2171 – An ordinance ordering the installation of one (1) fire hydrant in the City of Ladue, St. Louis County, Missouri.

Mayor Spewak read Bill No. 2171 followed by a second reading by Council Member Howell.

Fire Chief Lynn stated that this hydrant is for the McPheeters subdivision which took months of review to determine the water lines needed.

Council Member Hensley moved approval of Bill No. 2171, seconded by Council Member Brennan and the roll call vote thereupon was as follows:

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

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

Bill No. 2172 – An ordinance authorizing the execution of an agreement between the Cities of Ladue and Richmond Heights for the Lay Road Sidewalk and Road Improvements, pertaining specifically to the pavement rehabilitation work within the Municipal Boundaries of the City of Richmond Heights.

Mayor Spewak read Bill No. 2172 followed by a second reading by Council Member Fox.

Ms. Lamitola explained that the Lay Road Improvement Project is federally funded and covers both cities. The agreement has had legal review and Richmond Heights will have a first reading of the bill authorizing this agreement today. Council Member Hensley asked about the application of Reclamite once the work is completed. Ms. Lamitola stated that Reclamite is usually applied about one year after completion and offered to discuss this with her contact at Richmond Heights as Richmond Heights is responsible for maintenance on their portion of Lay Road.

Council Member Burroughs moved approval of Bill No. 2172, seconded by Council Member Hensley and the roll call vote thereupon was as follows:

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

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

Bill No. 2173 – An ordinance adding an offense to Chapter 62 of the City of Ladue Code of Ordinances to prohibit window peeping.

Mayor Spewak read Bill No. 2173 followed by a second reading by Council Member Brennan.

Ms. Seele stated that the idea behind this ordinance is to regulate drones as well as other behaviors, such as window peeping, and rely on other provisions in the Code under harassment. The City is taking a pro-active approach in case there any issues. FAA regulations pre-empt cities in regulating air space. The ordinance as written is the most enforceable for the Police Department; violators would receive a citation and be sent to municipal court. Aerial photos taken by realtors for the purposes of sales would not be prohibited by this ordinance.

Council Member Hiemenz moved approval of Bill No. 2173, seconded by Council Member Brennan and the roll call vote thereupon was as follows:

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

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

Financial Matters:

Mr. Zes presented four amendments to the 2017 budget; a) increase of \$3,160,000 to Capital Fund Account # 4735-6-00 for construction disbursements for the new Fire House No. 1; b) increase of \$15,000 to General Fund Account # 4415-1-44 for the CBIZ compensation study; c) increase of \$50,000 to General Fund Account # 4410-1-44 for Profession Fees (Legal and Lawsuits); and d) increase of \$68,000 to General Fund Account #4440-1-44 for Legal Retainers (City Attorney).

Council Member Hiemenz stated that it is his understanding that the amendments have been discussed throughout the year and that formal approval of the amendments will reconcile the budget. Council Member Hensley asked if the Fire House construction disbursements amendment reconciles the 2016 loan proceeds and the 2017 expense pay out. Mr. Zes confirmed that this is correct.

Council Member Howell moved approval of all four budget amendments as presented by Mr. Zes, seconded by Council Member Fox, which motion passed unanimously.

The Council reviewed the **vouchers for payment** for the month of November 2017. Council Member Hiemenz moved their approval, seconded by Council Member Howell, which motion passed unanimously.

The Mayor and Council reviewed the Treasurer's and Collector's reports for November 2017. The Mayor ordered the reports filed for information.

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

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

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

Department Reports:

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

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

Chief Andreski requested approval to purchase one 2017 Ford Explorer with police package from Bommarito Ford at a cost of \$28,257.00 to replace a vehicle damaged in a recent accident. After insurance proceeds the net cost to the City is \$624.00.

Council Member Brennan moved approval for the Police Chief to purchase one 2017 Ford Explorer with police package from Bommarito Ford at a cost of \$28,257.00, seconded by Council Member Howell, which motion passed unanimously.

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

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

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

Administration/City Clerk: Ms. Rider reported on the archery deer hunting activity for the season thus far. Spotlight surveys will be conducted in late January or early February and the data will be sent to White Buffalo for processing for a deer population estimate. The cost for the population estimate is \$1,000 and is a budgeted item in 2018.

Ms. Rider gave an update on the out of state motor vehicle sales tax and potential use tax noting that the deadline for the City to place the extension of the

out of state motor vehicle sales tax on the ballot is November 2018. The city has the option of imposing, with voter approval, a use tax for items purchased from out of state vendors. The use tax applies to the same type of products subject to traditional sales tax. With recent legislative changes there is no longer a need to place two separate issues on the ballot. Both the motor vehicle sales tax and the use tax can be captured by passage of just the use tax. The use tax would be imposed at the same rate as the city's sales tax. Placing the tax measure on the April ballot is the most cost effective time. The passage of an ordinance is required in order to place the measure on the ballot. The deadline for submitting the ordinance to the election board for the April election is January 23rd thus making it necessary to introduce an ordinance at the January Council meeting. More information including potential revenue estimates will be distributed to the Council in the next few weeks.

City Attorney: Ms. Seele reported on some bills being considered by the legislature and indicated that her firm is monitoring these.

Committee Appointments: Request for approval of the reappointment of members of various City committees and boards.

Council Member Hiemenz moved approval of the reappointment of members of various City committees and boards, seconded by Council Member Fox, which motion passed unanimously.

Mayor Spewak noted that the next Council meetings are scheduled for Tuesday, January 16, 2018 and Tuesday, February 20, 2018.

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 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), seconded by Council Member Fox and the roll call vote thereupon was as follows:

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

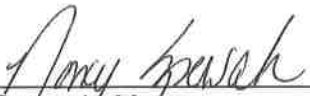
There being six aye votes and zero nay votes the motion passed unanimously.

The Mayor and Council went into closed session at 4:45 PM with Ms. Erin Seele and Ms. Anne Lamitola.


The Mayor and Council returned to open session at 5:24 PM with Ms. Erin Seele and Ms. Anne Lamitola.

Adjournment: Council Member Burroughs moved adjournment, seconded by Council Member Brennan, which motion passed unanimously. The meeting adjourned at 5:24 PM.

APPROVED THIS 16TH DAY OF JANUARY, 2018.



Nancy Spewak, Mayor

ATTEST:


Laura Rider, City Clerk

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LADUE CITY COUNCIL
PUBLIC HEARING
LADUE, MISSOURI 63124

IN THE MATTER OF:)
)
LADUE CITY COUNCIL)
PUBLIC HEARING)
LADUE, MISSOURI 63124)

Monday, December 18, 2017

ORIGINAL

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LADUE CITY COUNCIL  
PUBLIC MEETING  
LADUE, MISSOURI 63124

IN THE MATTER OF:            )  
                                          )  
LADUE CITY COUNCIL            )  
PUBLIC HEARING                )  
LADUE, MISSOURI 63124        )

BE IT REMEMBERED that on the 18th day of  
December, 2017, hearing was held before the Ladue City  
Council of the City of Ladue, Missouri, at Ladue City  
Hall, 9345 Clayton Road, in the City of Ladue, State  
of Missouri 63124, regarding the above-entitled matter  
before Bobbie L. Luber, Certified Court Reporter,  
Registered Professional Reporter, Certified Shorthand  
Reporter, a Notary Public within and for the State of  
Missouri, and the following proceedings were had.

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A P P E A R A N C E S:

COUNCIL MEMBERS:

- Mayor Nancy Spewak, Chairman
- Mr. Bill Brennan
- Mr. Hal Burroughs (Arriving at 4:09 p.m.)
- Mr. John R. Fox
- Mr. Patrick Hensley
- Mr. Charles Hiemenz
- Mr. John Howell

Also Present:

- Ms. Erin Seele, City Attorney
- Ms. Laura Rider, City Clerk
- Ms. Anne Lamitola, Public Works Director
- Mr. Jim Schiele, Chairman of Finance Committee
- Mr. Sam Zes, Finance Director

Court Reporter:  
Bobbie L. Luber  
Registered Professional Reporter #9209  
Missouri CCR #621  
Illinois CSR #084.004673

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LADUE CITY COUNCIL - DECEMBER 18, 2017

1 (The Meeting of the Ladue City Council of  
2 the City of Ladue was called to order at 4:00 p.m.)

3 MAYOR SPEWAK: Hi, everyone. We will call  
4 the meeting to order. Do I have a motion to approve  
5 the agenda?

6 COUNCILMAN FOX: So moved.

7 COUNCILMAN BRENNAN: Second.

8 MAYOR SPEWAK: All in favor?

9 COUNCILMAN HENSLEY: Aye.

10 COUNCILMAN HIEMENZ: Aye.

11 COUNCILMAN FOX: Aye.

12 COUNCILMAN BRENNAN: Aye.

13 COUNCILMAN HOWELL: Aye.

14 MAYOR SPEWAK: Opposed?

15 And next, a motion to approve the minutes  
16 of a budget work session, regular and closed meetings  
17 of November 20th, 2017?

18 COUNCILMAN HIEMENZ: So moved.

19 COUNCILMAN BRENNAN: Second.

20 MAYOR SPEWAK: All in favor?

21 COUNCILMAN HENSLEY: Aye.

22 COUNCILMAN HIEMENZ: Aye.

23 COUNCILMAN FOX: Aye.

24 COUNCILMAN BRENNAN: Aye.

25 COUNCILMAN HOWELL: Aye.

LADUE CITY COUNCIL - DECEMBER 18, 2017

1                   MAYOR SPEWAK: Opposed?

2                   At this time is there anyone who wishes to  
3 address myself and the Council on city matters? Okay.  
4 We will move on.

5                   We are going to start with our public  
6 hearing today. The first public hearing is the report  
7 of the Finance, Revenue and Taxation Committee  
8 recommending the City's proposed budget for the year  
9 January 1st, 2018, through December 31st, 2018. Is  
10 there a motion to open the public hearing?

11                   COUNCILMAN HIEMENZ: So moved.

12                   COUNCILMAN HOWELL: Second.

13                   MAYOR SPEWAK: All in favor?

14                   COUNCILMAN HENSLEY: Aye.

15                   COUNCILMAN HIEMENZ: Aye.

16                   COUNCILMAN FOX: Aye.

17                   COUNCILMAN BRENNAN: Aye.

18                   COUNCILMAN HOWELL: Aye.

19                   MAYOR SPEWAK: Opposed?

20                   Okay. Sam, you are up.

21                   MR. ZES: I believe Mr. Schiele wants to  
22 speak first.

23                   MAYOR SPEWAK: Okay. Sounds good.

24                   MR. ZES: I will do it. I can go ahead if  
25 you like.

LADUE CITY COUNCIL - DECEMBER 18, 2017

1 MR. SCHIELE: I will read the letter, and  
2 then you go.

3 MAYOR SPEWAK: Good idea.

4 MR. SCHIELE: I guess that's called an  
5 executive decision.

6 MAYOR SPEWAK: Yes. And I just want to  
7 take the opportunity to thank you, Chairman Schiele,  
8 for your leadership on the finance committee and your  
9 guidance.

10 MR. SCHIELE: Thank you. That is a rare  
11 compliment. Thank you, Council. You all have been  
12 wonderful people to work with. Thank you, Mayor.

13 You have a copy of the letter. You have a  
14 copy of the budget. It's addressed to the Mayor and  
15 City Council.

16 The finance committee of the City of Ladue  
17 held their final meeting in regards to the 2018 budget  
18 on November 30th, 2017. The committee recommended the  
19 2018 budget to be submitted to the Mayor and the City  
20 Council.

21 Presently, the City of Ladue is faced with  
22 deficits which extend over a period of ten years  
23 according to the most recent budget forecast. The  
24 finance committee has diligently reviewed every part  
25 of the 2018 budget to ensure that the city is

LADUE CITY COUNCIL - DECEMBER 18, 2017

1 operating in a fiscally responsible manner.

2 Currently, the city has over ten months in reserves in  
3 the general fund, which, as you know, is a fund by  
4 which we operate the city day-to-day.

5 The finance committee shall monitor the new  
6 budget closely and hold further discussions with the  
7 Mayor and Council. I assure you we will be doing that  
8 in this coming year.

9 It's respectfully submitted by me and the  
10 finance committee.

11 COUNCILMAN FOX: Mr. Chairman, just to  
12 clarify. Saying that we have ten months in reserves  
13 doesn't mean we are running out of money. It means we  
14 could go ten months if we didn't get a penny in.

15 MR. SCHIELE: That is correct.

16 COUNCILMAN FOX: So the fact we have  
17 several emergencies requiring instant action; correct?

18 MR. SCHIELE: We are in good shape right  
19 now to take care of any extraordinary circumstances  
20 that may come on.

21 COUNCILMAN FOX: Thank you.

22 MAYOR SPEWAK: Thank you very much. We  
23 appreciate that.

24 MR. SCHIELE: Any other questions that Sam  
25 can answer?

LADUE CITY COUNCIL - DECEMBER 18, 2017

1           MAYOR SPEWAK: Before you start, I want to  
2 take the opportunity to thank you for your hard work  
3 as we work diligently with the department heads who  
4 work with us. We appreciate everything you have done.

5           MR. ZES: If you look at the public hearing  
6 notice, the first column is the general fund. For  
7 2018 I was conservative in all my estimates. It's  
8 showing a \$985,000 deficit for 2018.

9           As Mr. Schiele said, the city isn't in any  
10 trouble. We can still go out for a couple of years.  
11 I think -- and I actually think we will come in better  
12 than that, because in 2017 we were looking at a  
13 \$641,000 deficit and we are actually possibly making  
14 \$3,000 surplus. I would just rather budget  
15 conservatively just based on the city, talking to the  
16 department heads. I think we are good.

17           Do you guys have any questions about the  
18 general fund? Nothing has changed since our work  
19 session.

20           COUNCILMAN FOX: Nothing has changed?

21           MR. ZES: Nothing has changed. The finance  
22 committee has reviewed it.

23           MAYOR SPEWAK: So I would just add that  
24 while we are faced with a deficit budget, myself and  
25 the council, we take this very seriously. And even

LADUE CITY COUNCIL - DECEMBER 18, 2017

1     though we have a 9-plus-million-dollar reserve balance  
2     in our general fund, and close to 19 million in  
3     reserve across the fund, we have met with the finance  
4     committee, and we will be meeting with them in  
5     January.

6                     Our first step will be to define policies  
7     and to refine policies that we need to look at.

8                     Our next step is to continue to look at  
9     ways to maximize revenue.

10                    MR. ZES: Yes, we are looking at those  
11     things.

12                    MAYOR SPEWAK: And also to continue to hold  
13     the present which, other than personnel, the personnel  
14     costs, this deficit is contributing to our personnel  
15     costs. In order to continue to serve the residents at  
16     this level of service we continue to look for ways to  
17     maximize the revenue and also to control the budget.  
18     But at the end of the day the services we are  
19     providing are costing more than our revenue is  
20     producing. So we take this year to examine all of our  
21     options.

22                    MR. ZES: And other than personnel costs in  
23     2017 the department has been keeping their expenses  
24     well below budget.

25                    MAYOR SPEWAK: And we have completed a



LADUE CITY COUNCIL - DECEMBER 18, 2017

1 compensation study that now allows us to have  
2 comparable pay based on where we want to be with other  
3 cities, and so I would say keep our deficit alone and  
4 then we will have some more definitive information mid  
5 year.

6 MR. ZES: Yes.

7 MAYOR SPEWAK: Any questions?

8 COUNCILMAN HIEMENZ: Mayor, I would like to  
9 comment. I think our finance committee has done due  
10 diligence. Our finance director, I have seen lights  
11 on in his office many weekends. Given that we are  
12 projecting a deficit in 2018, I would ask that a part  
13 of this budget process, that the city finance  
14 committee give the City Council a formal review six  
15 months in.

16 This may already be a part of what we do,  
17 but just formally request that in June or July or  
18 August, but as of June the finance committee give us a  
19 reality check. That's not saying the approval process  
20 will be on our finance director, come to the Council  
21 with quarterly documentation to where our expenses and  
22 our income and our revenues are.

23 MR. ZES: I can do that.

24 MAYOR SPEWAK: Okay.

25 MR. ZES: So would you like a summary

LADUE CITY COUNCIL - DECEMBER 18, 2017

1 presentation of where we are at?

2 COUNCILMAN HIEMENZ: A quarterly basis,  
3 year-to-date revenue and year-to-date expenses. And  
4 again from the finance committee taking a snapshot on  
5 June 30th, you can probably come to us in July or  
6 August to see how we are against the projected.

7 MR. ZES: I agree with you. I can do that  
8 in June. I will be -- I will come up with a better  
9 presentation review with the finance committee.

10 COUNCILMAN HIEMENZ: This is just a more  
11 formal request of approving the budget so to make sure  
12 we have got that. Thank you.

13 MAYOR SPEWAK: Any questions or comments?  
14 Any comments from the audience?

15 Okay. At this time I would ask for a  
16 motion to close the public hearing.

17 COUNCILMAN FOX: So moved.

18 COUNCILMAN BRENNAN: Second.

19 MAYOR SPEWAK: All in favor?

20 COUNCILMAN HENSLEY: Aye.

21 COUNCILMAN BURROUGHS: Aye.

22 COUNCILMAN HIEMENZ: Aye.

23 COUNCILMAN FOX: Aye.

24 COUNCILMAN BRENNAN: Aye.

25 COUNCILMAN HOWELL: Aye.

LADUE CITY COUNCIL - DECEMBER 18, 2017

1 MAYOR SPEWAK: Opposed?

2 Is there a motion to approve the 2018  
3 budget?

4 COUNCILMAN HIEMENZ: So moved, with the  
5 conditions the finance committee give to the City  
6 Council formal review based on a six-month snapshot  
7 and quarterly review of the revenues and expenses.

8 MAYOR SPEWAK: Is there a second?

9 COUNCILMAN BRENNAN: Second.

10 MAYOR SPEWAK: All in favor?

11 COUNCILMAN HENSLEY: Aye.

12 COUNCILMAN BURROUGHS: Aye.

13 COUNCILMAN HIEMENZ: Aye.

14 COUNCILMAN FOX: Aye.

15 COUNCILMAN BRENNAN: Aye.

16 COUNCILMAN HOWELL: Aye.

17 MAYOR SPEWAK: Opposed?

18 Thank you.

19 (At this time the public hearing  
20 continued.)

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CERTIFICATE OF REPORTER

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I, Bobbie L. Luber, Registered Professional Reporter, Certified Court Reporter, and Notary Public within and for the State of Missouri, do hereby certify that the meeting aforementioned was held on the time and in the place previously described.

IN WITNESS WHEREOF, I have hereunto set my hand and seal.



Bobbie L. Luber, RPR, CCR #621