

**CITY COUNCIL OF THE CITY OF LADUE**  
**ST. LOUIS COUNTY, MISSOURI**  
**MONDAY, JUNE 21, 2021**

The meeting of the City Council of the City of Ladue, St. Louis County, Missouri, was held on Monday, June 21, 2021, at 4:08 p.m., at City Hall at 9345 Clayton Road. The following members were present:

The Hon. Nancy Spewak, Mayor, presided over the meeting.

Members of the Council present via Zoom:

John Howell  
Stacey Kamps  
Patrick Hensley  
William Brennan  
Harold Burroughs

Absent:

John Fox

Five Council Members present.

Also present were Ms. Laura Rider, Assistant to the Mayor/City Clerk, Police Chief Ken Andreski, Jr.; Fire Chief Steven Lynn; Ms. Anne Lamitola, Public Works Director; Ms. Andrea Sukanek, City Planner; and Ms. Erin Seele, City Attorney. Mr. Sam Zes, Finance Director and Mr. Roger Stewart, Building Official were absent.

Mayor Spewak welcomed everyone for the first in-person meeting since the start of the pandemic last year. Mayor Spewak expressed her appreciation for City staff and the effort it took to continue operations throughout the pandemic.

Mayor Spewak introduced Melissa Barklage, the City's new Accounting Clerk.

**Approval of the Agenda:** Council Member Burroughs moved approval of the agenda, upon second by Council Member Brennan 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 Meeting of May 17, 2021 and Special Meeting of May 24, 2021.

Ms. Seele requested that the minutes of May 17th be amended on Page 6 under her report where she "reported on bills that passed during the recent legislative session including the Wayfair bill, an amendment to the Sunshine Law to protect resident information and a bill that ~~prohibits~~ limits municipalities from charging linear foot fees."

Council Member Hensley moved approval of the minutes as amended for the Regular Meeting of May 17, 2021, and the minutes as submitted for the Special

Meeting of May 24, 2021, upon second by Council Member Brennan the motion passed unanimously.

**Presentation - Letters of Commendation:** Chief Andreski presented letters of commendation to Sergeant Detective Bryan Lucas and Detective Jennifer Hendricks for exceptional performance for Sgt. Lucas's investigation of eleven burglaries that led to the arrest and prosecution of a serial burglar and Detective Hendricks identification of the burglary suspect while on patrol.

**Public Forum:** No one came forward to address the Mayor and Council.

**Committee Report: (Insurance)**

**C-1** Request for approval of a renewal with Cigna for Employee Medical Insurance.

**C-2** Request for approval of moving the Employee Dental Insurance from Guardian to Mutual of Omaha.

**C-3** Request for approval of a renewal with VSP for Employee Vision Insurance and move from the Signature Network to the Choice Network.

**C-4** Request for approval of a one-year renewal for Property and Casualty Insurance with Travelers Insurance at a cost of \$378,248.00.

**C-5** Request for approval of one-year coverage for Workers' Compensation Insurance with Travelers Insurance at a cost of \$117,668.00

Mayor Spewak gave a brief summary of the recommendations from the Insurance Committee regarding all of the City's lines of coverage which included renewal of the employee health insurance with Cigna at a 7% increase, moving the employee dental insurance to Mutual of Omaha with a 6% reduction in premiums and renewal of employee vision insurance with VSP with a 17.9% decrease in premiums.

Mayor Spewak reported that while medical claims were down over the past year prescription drug costs remain high. Cigna's initial renewal offer was a 9% increase but the City's broker, Daniel & Henry, negotiated it down to 7%. The only other competitive proposal received was from Aetna at a 14.5% decrease over current rates. Daniel & Henry expected a significant first year increase if the City moved the coverage to Aetna who had significantly underpriced the coverage in an attempt to win the business. The Committee recommends staying with Cigna.

Mr. Wally Klein, Insurance Committee Chair, added that the prescription drug costs are not going away as the drugs are life sustaining. Mr. Klein reported that the committee recommended remaining with VSP but moving from the Signature Network to the Choice Network.

Mr. Klein reported that the broker, Crane Agency, used their loss control staff to review values of the City's large facilities and increased the values, along

with an increase in cyber liability from \$1,000,000 to \$2,000,000 in coverage, at a reasonable cost.

Mayor Spewak thanked Mr. Klein and the committee members for their effort on the renewals.

Council Member Burroughs moved approval of the insurance renewal Items C-1 to C-5 as recommended by the Insurance Committee with the terms on file with the City Clerk, upon second by Council Member Howell the motion passed unanimously.

**Report regarding the City's 2020 Audit by Botz, Deal and Company.**

Ms. Michele Graham presented the report on the audit of the City's 2020 Financial Statements.

Ms. Graham reported that the City received an unmodified opinion, the best opinion, which means that the City had all of the required disclosures with no exceptions in accordance with GAAP (Generally Accepted Accounting Principles). She noted the report contains some estimates for items such as the pension and receivables. A single audit was not required because the City did not receive federal funds that met the threshold for a single audit.

Ms. Graham expressed her appreciation that Mr. Zes and staff had all of the records organized and ready for the audit.

Ms. Graham mentioned that she understands the importance of revenue sources to the City and diversification and that the audit sets up expectations and evaluates if the City met expectations in regard to revenue and charges for services. If revenue does not meet expectations what are the reasons, most revenue sources such as sales tax, are beyond the City's control. The auditors were able to confirm 76% of revenue received from outside sources and Ms. Graham turned to page 54 which shows revenue trends. She pointed out that the City's property tax levy increased minimally by 6% over the course of the past ten years.

Ms. Graham reported that the City's net position increased by \$470,000, the General Fund Balance decreased by \$998,000, revenues were down 2.5%, which was offset by CARES Act Funds, and expenses were under budget by 5.6%.

Ms. Graham concluded her report with highlights of the City's pension plans.

Ms. Graham was pleased to report that the City's internal controls remained in place during the pandemic even though employees work schedules changed with the implementation of remote work.

Mayor Spewak encouraged the Council to review Page 54 (revenue trends) and mentioned that the City's real estate tax levy is subject to roll back due to the Hancock Amendment.

**Report by Milliman, Inc. regarding the valuations of the Uniformed and Non-Uniformed Employee Pension Plans as of January 1, 2021.**

Mr. Bill Winningham presented the funding reports as of January 1, 2021 for the pension plans beginning with the Firemen and Policemen Pension Fund (Uniform Plan). The funding requirement increased from \$1,690,108 the prior year to \$1,715,333 which was expected because as payroll increases so does the City's required contributions. However, it did not increase as much as expected due to the return on assets of 11.3% versus the assumption rate of 7%. Milliman smooths the market gains and losses over a five-year period but was still 8.7% versus 7%. Membership counts remained steady over the prior year. Market value of assets was \$42,056,622 which equates to 96% funding ratio. Mr. Winningham noted that this is a mature plan paying out \$2.7 million annually in benefits. Mr. Winningham explained the calculation used in determining the City's funding contribution.

Mr. Winningham next referred to the GASB 67/68 report and highlighted Page 13 which shows a table representing the sensitivity analysis for the assumption rate if it were 1 percentage point lower (6%) and 1 percentage point higher (8%) than the current assumption rate of 7%. At 6% the plan has a liability of \$7.3 million and at 8% a liability of (\$2.6 million) surplus vs. at the current rate of 7% a liability of \$1.9 million.

Mr. Winningham reported that the assumption rate along with the mortality table is reviewed annually and recommended that the City consider lowering the plans' assumption rate prior to the next valuation cycle.

Mr. Winningham briefly reviewed the report on the Non-Uniform Pension Plan noting that the required contribution was lower primarily due to the higher return on assets and a net decrease in membership of 5 employees due to the consolidation with WCDC for police dispatching. The funding ratio for the 5-year smoothing value was 86.5%.

Mayor Spewak stated that all indications are the 7% assumption rate could be considered optimistic given the current conditions and the City will look at lowering it. If the rate is lowered, the plan would have a lower funding ratio but would be in a better position to weather a downturn in the market.

Mr. Winningham stated a lower assumption rate would increase the City's required contributions and put more funding in the plan over time. The actuarially determined funding contribution is a budgeting tool for the plan. He explained the true cost of the plans is the benefits paid to retirees plus administrative expenses of the plans.

Mr. Winningham stated the recommendation for the lower assumption rate would be presented to Council before the next valuation cycle.

**Zoning and Planning Matters:**

**ZP1:** Referral to the Zoning and Planning Commission for review and recommendation of an application for a Special Use Permit for massage therapy at 8820 Ladue Road in the RISE collaborative workspace.

Ms. Sukanek presented the referral and stated that an application for licensed massage therapy at 8820 Ladue Road in the G-2 Commercial District had

been submitted and stated a Special Use Permit is required. Ms. Sukanek noted that no construction is planned for the facility.

There being no questions, Council Member Howell moved referral to the Zoning and Planning Commission for review and recommendation of an application for a Special Use Permit for a massage therapy facility at 8820 Ladue Road, upon second by Council Member Burroughs the motion passed unanimously.

**ZP2:** Referral to the Zoning and Planning Commission for review and recommendation of an application for a 5-lot subdivision to be known as Trinity Farm Subdivision, located at Old Warson and Woodlawn.

Ms. Sukanek gave a brief overview of the request and stated there are currently three lots that are being re-subdivided adding two additional lots for a total of five. She reported that there were minimal improvements required other than expansion of the cul-de-sac. The property lies in the A Residential Zoning District and all lots meet the 3-acre minimum lot size.

There being no questions, Council Member Brennan moved referral to the Zoning and Planning Commission for review and recommendation of the application for a 5-lot subdivision to be known as Trinity Farm Subdivision, upon second by Council Member Burroughs the motion passed unanimously.

**ZP3:** Referral to the Zoning and Planning Commission for review and recommendation of an application for an amendment to the Special Use Permit issued to Ladue School District for gymnasium additions at Reed Elementary School and Conway Elementary School.

Ms. Sukanek presented the referral and noted the Conway School addition is 10,460 square feet and the Reed School addition is 11,350 square feet. Ms. Sukanek stated that education facilities in a residential zoning district require a Special Use Permit.

Council Member Brennan asked if the current gymnasiums will be repurposed. Ms. Sukanek stated the gymnasium additions will also serve as storm shelters. Mayor Spewak added that the current gymnasiums at both schools are small and will be repurposed as other uses.

Upon conclusion of discussion, Council Member Howell moved referral to the Zoning and Planning Commission for review and recommendation of the application for an amendment to the Special Use Permit for Ladue School District, upon second by Council Member Brennan the motion passed unanimously.

**ZP4:** Referral to the Zoning and Planning Commission for review and recommendation of a proposed text amendment to the City's Zoning Code regarding wireless facilities.

Ms. Sukanek referred to the Cellular Service Advisory Committee's Report regarding their recommendations to improve the quality of cellular service and consolidate and simplify the zoning code and application process for wireless carriers. Ms. Sukanek reported she had begun work on the educational component

regarding the Advisory Committee's recommendations through an email blast and plans for an article in the next newsletter.

There being no questions, Council Member Burroughs moved referral to the Zoning and Planning Commission for review and recommendation of a proposed text amendment to the City's Zoning Code regarding wireless facilities, upon second by Council Member Hensley the motion passed unanimously.

**New Business:**

**Proposed Legislation:**

**Resolution No. 2021-23** – A resolution authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a Professional Services Contract with Crawford, Murphy & Tilly (CMT) for on-call engineering services for the Roadway/Right-of-Way Rehabilitation and Reconstruction Category.

Ms. Lamitola presented the resolution and explained that in 2018 the City established on-call professional service contracts for engineering services in differing categories, and all are expiring at the end of June. Ms. Lamitola reported that twenty proposals were received and scored, and the firms with the highest scores were selected. The contracts with each of the selected firms are included in Resolution Nos. 2021-23 through 2021-30. Ms. Lamitola stated that the City has previously worked with the firms except for Thouvenot, Wade & Moerchen (TWM) but they had previously worked with Brentwood.

Ms. Lamitola recommended adoption of the resolutions.

Council Member Hensley moved adoption of Resolution No. 2021-23, upon second by Council Member Howell the motion passed unanimously.

**Resolution No. 2021-24** – A resolution authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a Professional Services Contract with Oates Associates for on-call engineering services for the Roadway/Right-of-Way Rehabilitation and Reconstruction Category.

Council Member Howell moved adoption of Resolution No. 2021-24, upon second by Council Member Burroughs the motion passed unanimously.

**Resolution No. 2021-25** – A resolution authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a Professional Services Contract with Horner & Shifrin, Inc. for on-call engineering services for the Roadway/Right-of-Way Rehabilitation and Reconstruction Category.

Council Member Burroughs moved adoption of Resolution No. 2021-25, upon second by Council Member Brennan the motion passed unanimously.

**Resolution No. 2021-26** – A resolution authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a Professional Services Contract with CBB for on-call engineering services for the Traffic Studies and Analysis category.

Council Member Brennan moved adoption of Resolution No. 2021-26, upon second by Council Member Hensley the motion passed unanimously.

**Resolution No. 2021-27** – A resolution authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a Professional Services Contract with Lochmueller Group for on-call engineering services for the Traffic Studies and Analysis category.

Council Member Kamps moved adoption of Resolution No. 2021-27, upon second by Council Member Hensley the motion passed unanimously.

**Resolution No. 2021-28** – A resolution authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a Professional Services Contract with Christner Architects for on-call engineering services for the Beautification Category.

Council Member Brennan moved adoption of Resolution No. 2021-28, upon second by Council Member Hensley the motion passed unanimously.

**Resolution No. 2021-29** – A resolution authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a Professional Services Contract with SWT Design for on-call engineering services for the Beautification Category.

Council Member Burroughs moved adoption of Resolution No. 2021-29, upon second by Council Member Howell the motion passed unanimously.

**Resolution No. 2021-30** – A resolution authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a Professional Services Contract with Thouvenot, Wade & Moerchen, Inc. (TWM) Design for on-call engineering services for the Surveying & Mapping Category.

Council Member Burroughs moved adoption of Resolution No. 2021-30, upon second by Council Member Brennan the motion passed unanimously.

**Resolution No. 2021-31** – A resolution authorizing the Mayor to execute on behalf of the City of Ladue, Missouri an Amendment to the City-Contractor Agreement with St. Louis Christmas Décor for the installation and removal of Christmas lights for the City of Ladue at various locations in the Clayton Road Business District and the Municipal Campus.

Ms. Lamitola presented the resolution and requested approval of the amendment to the City-Contractor Agreement with St. Louis Christmas Décor. Ms. Lamitola stated that the City receives reimbursement from various business owners along Clayton Road so the net cost to the City would be \$1,700.00 for the lights on the trees on the City campus.

Council Member Brennan moved adoption of Resolution No. 2021-31, upon second by Council Member Hensley the motion passed unanimously.

**Resolution No. 2021-32** – 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 Clayton Road Business District Pedestrian Crossing Study.

Ms. Lamitola reported that over the years Mayor Spewak had received numerous requests for walkability from merchants and businesses along Clayton Road.

Ms. Lamitola indicated that the desire for walkability has been a theme throughout the comprehensive plan update. Ms. Lamitola referenced the focus area plan that would be presented to the Zoning and Planning Commission in the near future. The focus area plan shows additional signals in the Clayton Road Business District. In order to further vet that idea the proposal for the study was presented to Council today. The study would evaluate Magnolia, Midpark and Waverton. The scope of work includes engaging the residents in the Clayton Road Park Subdivision, merchants, and property owners. Council Member Burroughs stressed the importance of the study and Mayor Spewak added that she had received feedback that at certain times of the day it is difficult to get in and out in that area.

Council Member Burroughs moved adoption of Resolution No. 2021-32, upon second by Council Member Kamps the motion passed unanimously.

#### **Discussion regarding Chapter 58 Noise, of the Ladue Code of Ordinances.**

Mayor Spewak began the discussion by reporting that the City had received several complaints of lawn mowing noise into the evening hours, so she asked the Police Chief to review the ordinance and process for responding to calls for service.

Chief Andreski reported that when a call for service is received the officers observe and listen to determine if there is a violation of the noise ordinance. Usually for the first violation, a warning is given. The warning is given to a property owner or contractor, depending on the situation, if it is construction noise, mowing noise or loud music. Often times, contractors start work too early in the morning or on Sunday, and lawn mowing occurs in later evening hours.

The Chief reported that he had reviewed several surrounding cities noise ordinances, and all differed somewhat. Some have decibel meters, but Ladue does not. In reality, the officer needs to determine if there is sound that is disturbing and do the police need to take action. The Chief stated that Ladue's ordinance is somewhat vague but does have specific times for construction noise, ending at 6pm on weekdays and Saturdays.

The use of equipment to maintain a lawn or landscape is allowed after 9am on Sunday either being used by the homeowner or contractor. It also traditionally falls under the construction noise time restrictions, which is prohibited after 6pm on Saturday. However, it is not restricted during weekdays.

Chief Andreski asked for more specific times to be added to the ordinance for enforcement purposes.

Mayor Spewak asked for feedback from the Council in order to present an amendment to the noise ordinance at the next meeting. The complaints that she received were mostly on the weekends between 5:30 pm and 6:00 pm when a resident is outside enjoying their yard and a mower or leaf blower is in operation.



The City does not want to restrict a resident from maintaining their yard. Chief Andreski added that Saturday and Sunday are defined as the weekend.

Mayor Spewak stated that currently lawn care noise is allowed until 6 pm on Saturday and suggested that lawn care and construction noise should be allowed during the same timeframe. It was suggested that the ending time be pushed back to 5 pm. Council Member Hensley stated that there are times when construction work needs to be done at an odd time. Mayor Spewak asked if the ordinance could specifically allow all noise, construction and lawn care, until 6pm or would the Council consider making the ending time 5 p.m. It was noted that emergencies such as storm damage tree removal would be an exception on the weekends. It was noted that certain construction projects with special circumstances could be approved by the City. Council Member Kamps expressed her concern that more yard work that may take longer to complete will take place in the fall with brush and leaf cleanup.

Mayor Spewak stated the City of Clayton recently went to 5pm on weekdays and Saturday and Sunday which was suggested by one Ladue resident for consideration by the Council.

Upon conclusion of discussion the Council directed Chief Andreski to draft an amendment to the noise ordinance allowing all construction and lawn care to take place on Monday through Friday from 7 am to 6 pm, on Saturday from 7am to 5 pm and on Sunday from 9 am to 5 pm.

#### **Financial Matters:**

The Mayor and Council reviewed the report of the Finance Director regarding significant financial transactions. The Mayor ordered the report filed for information.

The Mayor and Council reviewed the Vouchers for Payment for the month of May 2021. Council Member Burroughs moved their approval, upon second by Council Member Brennan the motion passed unanimously.

The Mayor and Council reviewed the Collector's Report for May 2021. The Mayor ordered the report filed for information.

The Mayor and Council reviewed the Treasurer's Report for May 2021. The Mayor ordered the report filed for information.

The Mayor and Council reviewed the Cash Flow Report for May 2021. The Mayor ordered the report filed for information.

The Mayor and Council reviewed the Delinquent Real Estate Tax Report for May 2021. The Mayor ordered the report filed for information.

#### **Department Reports:**

**Fire Department:** The Mayor and Council reviewed the Fire Department Activity Report for May 2021. The Mayor ordered the report filed.

Chief Lynn reported that the number of calls for service was returning to normal levels and recognized multiple individuals within the department that stepped up and assumed extra duties and other activities during the pandemic.

Mayor Spewak took a moment to recognize Chief Lynn for his role as Safety Officer and Chief Andreski's role on the St. Louis Area Pandemic Task Force.

**Police Department:** The Mayor and Council reviewed the Police Department Activity Report for May 2021. The Mayor ordered the report filed.

Chief Andreski reported that the department's case clearance rate is one of the highest in the area and reported on a recent domestic shooting. The Chief reported that the body camera program is now fully implemented and that he expects to present a proposal for license plate readers by the October Council meeting.

**Public Works Department:** The Mayor and Council reviewed the Public Works Report for May 2021. The Mayor ordered the report filed for information.

Ms. Lamitola presented a request for ratification of Change Order #1 to Bi-State Utilities Co. contract in the amount of \$59,259.19 for tree and honeysuckle removal related to the Willow Hill Stormwater Infrastructure Project. Ms. Lamitola explained that Gamma Tree was the low bidder and would be a sub-contractor to Bi-State Utilities.

Council Member Kamps moved ratification of Change Order #1, upon second by Council Member Burroughs the motion passed unanimously.

Ms. Lamitola presented a facility relocation agreement with Spire Missouri, Inc. for relocation of Spire facilities related to the Robin Hill/McKnight Lane Streambank Stabilization Project with an estimated cost of \$30,991.00. The Spire facilities that will be replaced consist of 500 feet of 2-inch gas main on Robin Hill.

Council Member Howell moved approval and authorization for the execution by the Mayor of the Relocation and Adjustment Agreement with Spire Missouri, Inc., upon second by Council Member Hensley the motion passed unanimously.

**Building Office:** The Mayor and Council reviewed the Building Office Report for May 2021. The Mayor ordered the report filed.

**Municipal Court:** The Mayor and Council reviewed the Municipal Court Report for May 2021. The Mayor ordered the report filed.

**Administration/City Clerk:** The Mayor and Council reviewed the Administration Department Report.

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

**Liquor License Renewals:** Mayor Spewak asked for a motion to approve the liquor license renewals for 2021-2022.

Council Member Howell moved approval of the liquor license renewals numbered L-1 to L-18, upon second by Council Member Burroughs the motion passed unanimously.

Mayor Spewak noted the next Council meetings were scheduled for Monday, July 19, 2021, and Monday, August 16, 2021.

**Adjournment:** Council Member Hensley moved adjournment, upon second by Council Member Brennan, the motion passed unanimously. The meeting adjourned at 5:34 P.M.

  
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Nancy Spewak, Mayor

**ATTEST:**

  
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Laura Rider, City Clerk