

**CITY COUNCIL OF THE CITY OF LADUE
ST. LOUIS COUNTY, MISSOURI
TUESDAY, JANUARY 19, 2021**

The meeting of the City Council of the City of Ladue, St. Louis County, Missouri, was held on Tuesday, January 19, 2021, at 4:00 p.m., by Video Conference via Zoom and at City Hall, 9345 Clayton Road. The following members were present:

The Hon. Nancy Spewak, Mayor, presided over the meeting from her office at City Hall via Zoom.

Members of the Council present via Zoom:

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 at City Hall in the Council Chambers via Zoom. Also present via Zoom were Mr. Sam Zes, Finance Director; Police Chief Ken Andreski, Jr.; Fire Chief Steven Lynn; Ms. Anne Lamitola, Public Works Director; Ms. Andrea Sukanek, City Planner; Mr. Roger Stewart, Building Official and Ms. Erin Seele, City Attorney.

Mayor Spewak announced that due to current and various restrictions ordered by St. Louis County on public gatherings due to Covid-19, the meeting was held by video conference and encouraged those interested in participating to join the meeting via the Zoom link posted on the meeting agenda.

Approval of the Agenda: Council Member Fox 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 December 21, 2020. Council Member Howell moved approval of the minutes as submitted for the Regular Meeting of December 21, 2020, upon second by Council Member Burroughs the motion passed unanimously.

Public Forum: Mr. Robert Lawson, resident at 4 Danfield Road and trustee for Danfield and Daniel Roads commented on Ameren's work along the old railroad right-of-way near the intersection of Litzinger and Daniel Road and that there was brush and debris left behind and inquired about extending the connector trail that exists, and also encouraged the City to consider leaving the informal path that exists between Deerfield and Wakefield which is used by many residents when the Deerfield Wakefield storm water mitigation project gets underway.

Ms. Lamitola indicated that she had reached out to her contact at Ameren to investigate the brush clean-up and added that Ameren had indicated in the past that they are open to extending the trail on segments that they own.

Mayor Spewak assured Mr. Lawson that the City would keep the path between Deerfield and Wakefield in mind and notify the project engineer.

Public Hearings:

PH1: The City Council of the City of Ladue will hold a Public Hearing regarding an application for a Special Use Permit Amendment to erect a 624 square foot maintenance shed on the Litzsinger Ecology Center property, located at 9711 Litzsinger Road. The property is located in the A and B Residential Zoning Districts.

Mayor Spewak opened the public hearing upon motion by Council Member Fox and second by Council Member Hensley.

Mr. Jack Milner, Dr. Bob Coulter and Mr. Dan Stouder were in attendance representing Litzsinger Ecology Center.

Mr. Milner gave a brief summary of the history of the Ecology Center operating under a Special Use Permit (SUP) originally obtained in 1992. The SUP requires an amendment for any changes. Mr. Milner explained the Ecology Center partners with Missouri Botanical Garden for prairie restoration at the site. An amendment was granted in 1996 for construction of a maintenance shed near the site where the new shed is to be built, but the new site for the proposed shed is a bit farther to the northeast from the neighbors, Bart and Patricia Holtzman, at 9741 Litzsinger.

The desire for the larger maintenance shed is due to an enormous multi-year to multi-decade prairie restoration project that will require additional storage for new equipment. Mr. Milner stated the construction of the shed is a conforming use and had been to the Architectural Review Board and Zoning and Planning Commission and both granted approval. The maintenance shed will be farther from the Holtzman's property and tucked behind an existing large evergreen tree. Mr. Milner stated that Dr. Bob Coulter, director of the Ecology Center, has had some conversations with the Holtzman's as well as another neighbor, Carter Smith who lives nearby, with respect to the new site, cooperation and additional screening, if necessary. The existing shed will be demolished, and the new shed will be slightly larger.

Mr. Bart Holtzman, resident at 9741 Litzsinger, stated that he lives just to the west of the Ecology Center property and that this project probably impacts his property the most. Mr. Holtzman questioned the size of the new shed which he thought was proposed to be three times larger than the existing shed. Mr. Milner confirmed the existing shed is 260 square feet and the new shed is 624 square feet.

Mr. Holtzman expressed appreciation that the Ecology Center was going to demolish the old shed and upgrade and he indicated that he was glad they were tucking the new shed behind the large pine tree but pointed out that trees don't live forever. Mr. Holtzman stated he was concerned about the sight line from his

property and resale value and asked if the shed could be placed near the existing house on the Ecology Center's property or moved even farther away.

Mr. Rick Muckerman, resident, stated that the Ecology Center property consists of thirty-five acres yet the proposed site for the shed is close to six other homes, when there are multiple other available sites on the property. Mr. Muckerman stated the original shed violates code and the Holtzman house did not exist when the original shed was built. Mr. Muckerman suggested that the new shed be moved to a site where it satisfies all property owners sight lines. He suggested that it wasn't a good idea to put it on the highest point on the property. Mr. Muckerman suggested the shed be built near several buildings where classes are currently held on the site where it would not affect any neighbors.

Mr. Carter Smith, resident at 9806 Litzsinger, stated that the Ecology Center has been a good neighbor and does beautiful work, but he had concerns about preserving his property values and asked why this particular location for the shed was chosen.

Mr. Milner reported that the existing shed went through the City's approval process in 1996.

Dr. Coulter explained that he had been director since 2004 and there are challenges with the property as the vast majority of land is in the flood plain and he is hesitant to construct the shed in the flood plain as other buildings on the site have flooded. Controlled burns are used in the prairie areas, so the prairies are not an option for the site for the shed either. Dr. Coulter explained that there is very little land available on the Center's property that would be code compliant.

Mr. Stouder stated that he had not analyzed the land in the flood plain and had moved the proposed site of the shed farther to the east away from the Holtzman home but still in compliance with the 50-foot setback. The shed will be constructed to blend in with the surroundings.

Dr. Coulter suggested that the Ecology Center could plant trees around the shed this spring so when the more mature tree dies there will still be some cover. Dr. Coulter stated that the shed is smaller than the two residential structures that were taken down.

Mr. Muckerman asked about the property where the Kennedy house was and asked if the site of the shed could be moved there. It was noted that the Kennedy site is owned by the Foundation and is not a part of the Ecology Center.

Council Member Hensley asked if there were any utilities at the existing shed. Dr. Coulter responded that there were no utilities. There is no need for lighting because the shed has skylights and under the SUP the Center is only allowed to operate during daytime hours.

Mayor Spewak asked if there was anything else the Ecology Center could do to screen the shed.

Mr. Carter expressed concern that the new shed could lead to project creep, and what if later, the Center wanted to add utilities or an addition.

Ms. Sukanek confirmed that conditions could be added to the amendment to the SUP prohibiting utilities at the shed and adding additional screening.

Dr. Coulter stated that they could develop a landscape plan to submit to the City and was willing to work with the residents.

Mr. Muckerman inquired about the Zoning and Planning Commission review and if there was a site visit.

Ms. Sukanek shared an aerial view of the Ecology Center property showing the proposed location of the shed.

Mr. Holtzman stated that he was skeptical but open to seeing a landscape plan for screening but would like a different location for the shed.

Mr. Smith reiterated that he did not want the shed close to his house.

Mayor Spewak stated that the amendment to the SUP could contain conditions regarding utilities, future additions and screening.

Discussion turned to the appearance of the new shed, which would be wood frame with green smooth panel siding. It was suggested that the shed be constructed on the adjoining property at 9735 Litzsinger. Ms. Lamitola reported that the shed could not be constructed there because the property is zoned residential and in order to comply with the City's ordinance there would need to be a primary residence before an accessory structure such as a shed could be built. It was noted that the SUP does not apply to the separate parcel at 9735 Litzsinger and suggested that if that parcel could be consolidated with the Ecology Center property it may be a better location for the new shed.

Council Members Hensley and Kamps suggested that there should be additional conversations between representatives of the Ecology Center and nearby residents. Mayor Spewak stated that it would be up to the Ecology Center if they wanted to consider the consolidation of the parcels. Council Member Burroughs commented that the appearance of the shed does not have to be an eyesore to neighbors and that it made sense to explore the consolidation of the parcels if the location of the shed could be moved there.

Dr. Coulter stated that he would meet with Mr. Holtzman and Mr. Smith to walk the property and would investigate the potential for consolidating the parcels.

Mayor Spewak continued the public hearing to the February meeting upon motion by Council Member Brennan and second by Council Member Burroughs.

Unfinished Business:

Bill No. 2262 AMENDED – An ordinance to amend Section V. of Ordinance 1175 – The Zoning Ordinance of the City of Ladue, St. Louis County, Missouri regarding front facing garages in the E1 Zoning District.

Ms. Sukanek gave a brief history of the progression of the bill which was discussed at the November and December Council meetings. The amended bill contained language that created flexibility to construct a front porch and made it easier to meet the Floor Area Ratio.

Council Member Howell move approval of Bill No. 2262 Amended, upon second by Council Member Fox the roll call vote thereupon was as follows:

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

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

New Business:

Proposed Legislation:

Resolution No. 2021-01 – A resolution authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a City-Contractor Agreement with Allied Services, LLC, D.B.A. Republic for solid waste and recycling services for Ladue Municipal Properties.

Ms. Lamitola reported that she had recently published a request for bids on the trash and recycling services at City facilities based on increasing rates and that the previous contract had expired. Only one bidder, Republic, had submitted a proposal.

Council Member Howell moved adoption of Resolution No. 2021-01, upon second by Council Member Burroughs the motion passed unanimously.

Resolution No. 2021-02 – A resolution authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a License and Subscription Agreement with Studio Prime Bluebeam Inc. for online plan submittal and review software.

Mr. Stewart reported that the Council had approved the purchase of Bluebeam software in September as a component of the Building Department Archive and Storage Solution Project and that an executed license and subscription agreement was needed to move forward with the use of the software. Mr. Stewart explained that online permit submittals had significantly increased but that plan review was not able to be performed online. Bluebeam offered online plan review and was compatible with iWorQ the permitting software currently in use.

Council Member Brennan moved adoption of Resolution No. 2021-02, upon second by Council Member Burroughs the motion passed unanimously.

Resolution No. 2021-03 – A resolution authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a Professional Services Contract with Bowman's Solutions LLC for Mailing System Equipment.

Ms. Rider presented the resolution and reported that the mailing equipment currently in use had been in service for nine years and the lease agreement had expired. The new equipment proposed by Bowman's Solutions had improved technology for the same lease price which was obtained under the State Contract #CC171501002 (MO).

Council Member Howell moved adoption of Resolution No. 2021-03, upon second by Council Member Hensley the motion passed unanimously.

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 December 2020. Council Member Fox moved their approval, upon second by Council Member Hensley the motion passed unanimously.

The Collector's Report for December 2020 was not available due to year-end closing.

The Treasurer's Report for December 2020 was not available dur to year-end closing.

The Cash Flow Summary Report for December 2020 was not available due to year-end closing.

The Mayor and Council reviewed the Delinquent Real Estate Tax Report for December 2020. The Mayor ordered the report filed for information.

Department Reports:

Fire Department: The Mayor and Council reviewed the Fire Department Activity Report for December 2020. The Mayor ordered the report filed.

Police Department: The Mayor and Council reviewed the Police Department Activity Report for December 2020. The Mayor ordered the report filed.

Public Works Department: The Mayor and Council reviewed the Public Works Report for December 2020. The Mayor ordered the report filed.

Ms. Lamitola presented a request for authorization for an expenditure for acquisition of right-of-way and temporary construction easement at 1347 Brynwood Drive needed for the Clayton Road ADA Improvements Project. Ms. Lamitola stated that three different property owners were approached for the

needed acquisitions. One property owner donated, and the City had come to terms with the other two in the amount of \$19,887.00.

Council Member Fox commended Ms. Lamitola on her negotiation skills.

Council Member Fox moved authorization for the expenditure of \$19,887.00 for right-of-way and temporary construction easement acquisition, upon second by Council Member Burroughs the motion passed unanimously.

Building Office: The Mayor and Council reviewed the Building Office Report for December 2020. The Mayor ordered the report filed.

Municipal Court: The Mayor and Council reviewed the Municipal Court Report for December 2020. The Mayor ordered the report filed.

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

City Attorney: Ms. Seele reported that the legislature was back in session and she was monitoring telecom bills.

Committee Appointments:

Mayor Spewak requested approval of the appointment of Brook Palanca as a member of the Public Works Committee. Council Member Hensley moved approval of the appointment, upon second by Council Member Brennan the motion passed unanimously.

Mayor Spewak noted the next Council meetings were scheduled for Tuesday, February 16, 2021 and Monday, March 15, 2021.

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 Hensley 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) upon second by Council Member Burroughs the roll call vote there upon was as follows:


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

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

The Mayor and Council went into closed session at 5:22 PM with Ms. Erin Seele.

The Mayor and Council returned to open session at 5:37 PM with Ms. Erin Seele.

Adjournment: Council Member Fox moved adjournment, upon second by Council Member Hensley, the motion passed unanimously. The meeting adjourned at 5:38 P.M.



Nancy Spewak, Mayor

ATTEST:


Laura Rider, City Clerk