

**CITY COUNCIL OF THE CITY OF LADUE  
ST. LOUIS COUNTY, MISSOURI  
MONDAY, MAY 17, 2021**

The meeting of the City Council of the City of Ladue, St. Louis County, Missouri, was held on Monday, May 17, 2021, at 4:00 p.m., by Video Conference via Zoom. The following members were present:

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

Members of the Council present via Zoom:

John Howell  
John Fox  
Patrick Hensley  
William Brennan  
Harold Burroughs

Absent:

Stacey Kamps

Five 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.; Assistant Fire Chief Jeff Johnson; Ms. Anne Lamitola, Public Works Director; Ms. Andrea Sukanek, City Planner; Mr. Roger Stewart, Building Official and Ms. Erin Seele, City Attorney. Fire Chief Steven Lynn was absent.

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 Howell 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 April 26, 2021. Council Member Howell moved approval of the minutes as submitted for the Regular Meeting of April 26, 2021, upon second by Council Member Hensley the motion passed unanimously.

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

**Zoning and Planning Matters:**

**ZP1:** Referral to the Zoning and Planning Commission for review and recommendation of a potential text amendment regarding zoning for animal care facilities.

Mayor Spewak announced that the Council heard a presentation at last month's meeting regarding a proposal for a pet wellness facility in Ladue and the next step would be to present it to the Zoning and Planning Commission for review and recommendation.

Ms. Sukanek presented the referral and explained that she thought it was appropriate for the Zoning and Planning Commission (Z&P) to review. Ms. Sukanek used the broad term of pet care facilities for the text amendment to include pet wellness facilities, veterinary clinics, pet grooming, etc. Ms. Sukanek stated if Z&P identified any potential locations there could be further discussion regarding the definition of pet care facilities. Overnight boarding was brought up and Ms. Sukanek stated that Z&P could discuss it and it could be excluded. Council Member Hensley expressed concern that because pet care facilities are not an allowed use now, this could open up the possibility that other excluded uses could come forward. Ms. Sukanek explained that parameters could be set, allowed only in certain zoning districts and a Special Use Permit required.

There being no further discussion, Council Member Howell moved referral to the Zoning and Planning Commission for review and recommendation of a potential text amendment regarding zoning for animal care facilities, upon second by Council Member Brennan the motion passed unanimously.

**ZP2:** Referral to the Zoning and Planning Commission for review and recommendation of an application for a Special Use Permit Amendment submitted by Old Warson Country Club to construct a new Golf Teaching Center building on the club property.

Ms. Sukanek gave a brief overview of the request and noted the new building would be 3,160 square feet in size and a few other site changes including changes to the parking area.

There being no questions, Council Member Fox moved referral to the Zoning and Planning Commission for review and recommendation of an application for a Special Use Permit Amendment submitted by Old Warson Country Club to construct a new Golf Teaching Center building on the club property, upon second by Council Member Hensley the motion passed unanimously.

**New Business:**  
**Proposed Legislation:**

**Bill No. 2269** – An ordinance approving the "Litzsinger Road Ecology Foundation Consolidation Plat".

Mayor Spewak read Bill No. 2269 followed by a second reading by Council Member Hensley.

Ms. Sukanek presented the bill and stated the Litzsinger Ecology Foundation received approval of a Special Use Permit (SUP) last month to construct a new shed on the property and one condition of the SUP was to consolidate the parcels. The Foundation is adding 3.52 acres for total acreage of 38.11 acres.

Ms. Sukanek stated the property has an irregular shape and has more than 5 sides; it has been existing as an irregular lot for many years. Due to the unique characteristics of this lot as well as its use as a conservation site, she recommended the irregular lot should be approved as proposed. She noted the lot consolidation slightly decreases the number of sides of the property and even though the lot will have more than five sides it was in character with many of the surrounding lots that are also irregular in shape.

Ms. Sukanek recommended approval of the bill.

Council Member Fox moved approval of Bill No. 2269, upon second by Council Member Burroughs the roll call vote thereupon was as follows:

|                          |       |
|--------------------------|-------|
| Council Member Fox       | "Aye" |
| Council Member Howell    | "Aye" |
| Council Member Brennan   | "Aye" |
| Council Member Burroughs | "Aye" |
| Council Member Hensley   | "Aye" |

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

**Resolution No. 2021-19** – A resolution authorizing the Mayor to authorize on behalf of the City of Ladue, Missouri a contract with Tramar Contracting, Inc. for Citywide pavement markings.

Ms. Lamitola presented the resolution and reported that three bids were received for citywide street striping with Tramar Contracting submitting the low bid of \$63,500.00. Ms. Lamitola recommended adoption of the resolution.

Council Member Howell moved adoption of Resolution No. 2021-19, upon second by Council Member Brennan the motion passed unanimously.

**Resolution No. 2021-20** – A resolution authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a contract with Bi-State Utilities Co. for the Willow Hill Stormwater Infrastructure Project (#1614A).

Ms. Lamitola reported that the Willow Hill Stormwater Infrastructure Project was the third stormwater project to get underway. She reported six bids were received with Bi-State Utilities submitting the low bid of \$1,985,302.50 and that Bi-State Utilities had never worked with the City before but had worked with Frontenac and received positive references. Ms. Lamitola reported that they would not be moving forward with Bid Alternate #1 but there would be an Addendum for Change Order No. 1 for approximately \$36,342.00 for tree removal which was left out of the original bid package. Ms. Lamitola requested a 5% construction contingency of \$102,020.00. Ms. Lamitola stated the funds for this project were budgeted in 2021 and 2022 as the project is scheduled to take more than one year to complete. Ms. Lamitola stated that Bi-State Utilities would take care of final restoration after completion of the project.

Council Member Fox moved adoption of Resolution No. 2021-20 with a contract amount of \$1,985,302.50, Change Order #1 to incorporate the approximate \$36,432.00 for tree removal into the contract and establishment of a 5% construction contingency in the amount of \$102,020.00, upon second by Council Member Brennan the motion passed unanimously.

**Resolution No. 2021-21** – A resolution authorizing the Mayor to execute on behalf of the City of Ladue, Missouri an inter-agency agreement with Metropolitan St. Louis Sewer District for the Willow Hill Stormwater Infrastructure Project (#1614A).

Ms. Lamitola presented the resolution and stated that this agreement, if approved, would allow Metropolitan St. Louis Sewer District (MSD) to contribute \$500,000.00 to the Willow Hill Stormwater Project. Ms. Lamitola reported that the City's stormwater master plan had been submitted to MSD and Willow Hill was on their list as well, but MSD did not have funding for the project. However, MSD will contribute \$500,000.00 next year upon completion of the project.

Council Member Howell moved adoption of Resolution No. 2021-21, upon second by Council Member Hensley the motion passed unanimously.

**Resolution No. 2021-22** – A resolution authorizing the City of Ladue to execute a confidentiality and nondisclosure agreement and granting further authority.

Ms. Seele stated the resolution and agreement were part of the ongoing audit of telecommunications companies and Verizon recognizes that the City is subject to the Sunshine Law. Ms. Seele went on to explain that the telecommunications companies revenue information, like sales tax collections, is confidential and the agreement has protections for the City regarding the Sunshine Law and will not prohibit the City from presenting to a court if that is the course the audits take.

Council Member Hensley moved adoption of Resolution No. 2021-22, upon second by Council Member Brennan 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 April 2021. Council Member Hensley moved their approval, upon second by Council Member Burroughs the motion passed unanimously.

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

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

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

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

**Department Reports:**

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

Assistant Chief Johnson requested authorization to purchase rescue equipment from Banner Fire Equipment, Inc. for \$15,399.00 and modification of the fire truck for \$2,035.51 to accommodate the new equipment. The Chief reported that three bids had been solicited for the rescue equipment in accordance with the City's purchasing policy.

Council Member Hensley moved authorization for the Fire Chief to purchase Paratech rescue equipment from Banner Fire Equipment, inc. at a cost of \$15,399.00 and modification of the fire truck to accommodate the new equipment at a cost of \$2,035.51, upon second by Council Member Brennan the motion passed unanimously.

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

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

Ms. Lamitola presented a request for authorization to purchase one (1) 2021 Ford F350 Truck to replace the 19-year-old water truck. The new truck has more versatility and can be used with the water tank, brine tank and would be used to pick up materials. Ms. Lamitola explained the cost of the new truck was less than expected due to a gas engine rather than diesel. Ms. Lamitola stated the truck would be purchased from Lou Fusz Ford under the State Contract at a cost of \$42,285.00.

Council Member Hensley moved authorization of the purchase, upon second by Council Member Brennan the motion passed unanimously.

Ms. Lamitola presented a reimbursement agreement for stormwater system installation for 7 Loren Woods in an amount not to exceed \$17,467.00 in connection with the Willow Hill Infrastructure Project as contained in the 5-10-2021 Public Works Report. Ms. Lamitola explained the agreement came about in conjunction with right-of-way negotiation for the project and the property owner's desire to control and handle the work on her property.

Council Member Fox moved approval and authorization for the execution by the Mayor of the reimbursement agreement for stormwater system installation for 7 Loren Woods in an amount not to exceed \$17,467.00, upon second by Council Member Burroughs the motion passed unanimously.

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

Mr. Stewart reported on the major changes to the 2021 Codes which included a) Residential - ability to use shipping containers for housing; b) Residential - increased the ceiling R values from R30 to R49, c) Plumbing – allows vacuum test instead of pressure test on plastic pipe, d) Plumbing - allows relining 4 inch or larger interior pipe. The Pool and Spa Code requires a construction fence around the excavation during construction.

Mr. Stewart reported the Fire Code was revised to reflect the expansion of emergency responder communication systems beyond radios and the need for increased performance of such systems. The Building Code revised the occupancy calculation – the occupant load factor for business use changed from 100 square feet to 150 square feet per occupant. The design occupant load is used in calculations of restrooms and egress components.

Assistant Chief Johnson clarified that the Code revised the requirements for radios because technology is changing for police and fire so that all radios have the ability to communicate outside of the building and was typically for new construction.

Mr. Stewart reported that the City has sixty days to exclude any of the items by action of the Council through an ordinance to amend the Codes.

Mayor Spewak asked the Council Members to review Mr. Stewart's report and send comments and questions to her.

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

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

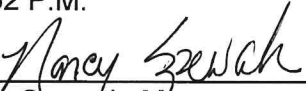
**City Attorney:** Ms. Seele reported on bills that passed during the recent legislative session including the Wayfair bill, an amendment to the Sunshine Law to protect resident information and a bill that limits municipalities from charging linear foot fees. Ms. Seele reported that if Ladue voters were to pass a Use Tax the City could start collecting those taxes and that the City's Cable fee would reduce from 5% to 2.5%. Ms. Seele reported that she would provide a written summary of the bills.

**Appointments:** Mayor Spewak announced that she was requesting two appointments as recommended by the Cellular Service Advisory Committee. Mayor Spewak requested approval of the appointment of Andrea Sukanek as Staff Cellular Liaison. Council Member Fox moved approval of the appointment, upon second by Council Member Hensley the motion passed unanimously.

Mayor Spewak requested approval of the appointment of Larry Reed as Citizen Cellular Liaison. Council Member Brennan moved approval of the appointment, upon second by Council Member Hensley the motion passed unanimously.

Mayor Spewak noted the next Council meetings were scheduled for Monday, June 21, 2021 and Monday, July 19, 2021.

**Adjournment:** Council Member Brennan moved adjournment, upon second by Council Member Hensley, the motion passed unanimously. The meeting adjourned at 4:52 P.M.

  
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Nancy Spewak, Mayor

**ATTEST:**

  
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Laura Rider, City Clerk