

**CITY COUNCIL OF THE CITY OF LADUE  
ST. LOUIS COUNTY, MISSOURI  
MONDAY, JULY 20, 2020**

The meeting of the City Council of the City of Ladue, St. Louis County, Missouri, was held on Monday, July 20, 2020, 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 (via phone, no video)  
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 Brennan moved approval of the agenda, upon second by Council Member Hensley the motion passed unanimously.

**Approval of the Minutes:** Mayor Spewak asked if there were any amendments, corrections or clarifications to the minutes of the Work Session, Regular and Closed Meetings of June 16, 2020. Council Member Howell moved approval of the minutes as submitted for the Work Session, Regular and Closed Meetings of June 16, 2020, upon second by Council Member Hensley the motion passed unanimously.

**Public Forum:** Ms. Anita Chimento, 4 Ladue Crest, expressed safety concerns regarding any cell towers being erected near her subdivision and requested information regarding locations in Ladue being considered for cell towers. Mayor Spewak reported that no proposals had been submitted, that the City Planner conducted a review of all current cell tower locations in Ladue and providers residing on the towers, and that the Mayor was requesting establishment of a citizen committee regarding cellular service at the Council meeting.

Mr. Stephen Roufa, 1 Deer Creek Hill, inquired about the Special Use Permit application submitted by Deer Creek Club for a parking area expansion project. Mr. Roufa's questions and comments were addressed during the public hearing.

**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 a Text Amendment to the Zoning Ordinance regarding fences and garden/animal enclosures.

The public hearing was opened upon motion by Council Member Hensley and second by Council Member Howell.

Ms. Sukanek presented a summary of the proposed text amendment citing that the purpose of the amendment was to add some flexibility to the Code for animal and garden enclosures and ensure that enclosures are compatible with residential use. The use of wire mesh is typical for enclosures but must be 18 gauge or finer with an attractive appearance. Enclosures will require Architectural Review Board (ARB) approval.

Ms. Sukanek next addressed green houses. The green house shall not exceed in floor area 25 percent of the ground floor area of the main building, height of structure shall not exceed 20 feet, the structure shall be of metal material and requires ARB approval. Chicken enclosures are allowed with permits and must obtain ARB approval. The structure/enclosure must be in the rear yard and comply with setbacks, structure must be at least 50 feet from adjacent or nearby properties, structure shall not exceed 7 feet in height, shall be screened from adjacent properties, structure may incorporate wire mesh of 18 gauge or finer, and requires ARB approval.

Council Member Burroughs suggested a minor revision that there must be a current and valid permit for the chicken enclosure in order to be compliant.

Ms. Sukanek went on to review the regulations for garden enclosures which must be located within a side or rear yard, comply with accessory structure setbacks, have a maximum height of 7 feet, and receive ARB approval. Ms. Sukanek noted that ARB will have some discretion to allow exceptions to maximum heights and suggested materials to accessory structures in order to allow for consistency with improvements on the subject property and adjacent properties.

The next item was a change to the fencing regulations; wire mesh should not be used for fences in general but only for chicken and garden enclosures, wire mesh may be added to existing fences in a rear or side yard but not on a property line, all wire mesh shall be 18 gauge or finer.

The text amendment included a change in the definition of a fence and added definitions for wire mesh, green house and garden enclosure.

Section 5 of the proposed bill amended the regulation for chicken enclosures to be consistent in height with animal enclosures which limits the height to 7 feet.

Ms. Seele announced that the public hearing notice, staff report, the Code of Ordinances and Ordinance 1175 were available at city hall and made a part of the official record.

The public hearing was closed upon motion by Council Member Brennan and second by Council Member Fox.

**PH2:** The City Council will hold a public hearing on a recommendation submitted by the Zoning and Planning Commission that the City Council approve a Special Use Permit for the Deer Creek Club to expand and make improvements to their parking area. The property is located at 9861 Deer Creek Lane in the "A" Residential Zoning District.

The public hearing was opened upon motion by Council Member Brennan and second by Council Member Burroughs.

Mr. James Bolt, president of Deer Creek Club, provided an overview of their project. The Club had been operating as a non-conforming special use for 90+ years and with the proposed improvements desired to obtain a special use permit. The proposal for the parking area improvements add 40 to 50 parking spaces. Mr. Bolt indicated that the Club was prepared to fully comply with any conditions the Council deemed necessary.

Mr. Bolt addressed Mr. Roufa's questions posed during the public comment portion of the meeting regarding the retaining wall and vehicle safety. Mr. Bolt stated that this had been addressed and there would be automobile wheel stops in addition to the retaining wall. The material of the wall is concrete but made to appear as flagstone. The wall in addition to the wheel stops greatly reduce the chances of a vehicle going over the wall. Lighting was discussed. Lighting with one candle watt will be built into the wall and there would be two standing light poles. All lights would be on a timer.

Ms. Sukanek clarified that if the Council approved the special use permit for Deer Creek Club they were approving the expansion and improvements to the parking area.

Mr. Micah Roufa asked about the roadway which serves two private residences in addition to the Club and access for emergency vehicles on the narrow roadway along with whether the improvements would add additional water runoff to the roadway.

Mr. Bolt responded that road width was addressed in their initial presentation and was sufficient. He indicated the grade and elevation would not change. The improvements would add pervious surface so they would not be adding to the water runoff but would improve drainage.

Upon inquiry by Mr. Roufa discussion ensued regarding traffic control during events. Mr. Bolt stated that during events at the Club they use a valet system or parking directors to assist with any problems with ingress and egress. The Club's policy and practice has been and will continue, when an event exceeds a certain number of vehicles, they use the valet system or parking directors.

Ms. Sukanek reported that traffic control is not included in the conditions in the Special Use Permit.

Mr. Bolt confirmed that the same material (pea gravel) that exists in the parking area currently will continue into the additional parking spaces.

Ms. Seele announced that the public hearing notice, staff report, application, Code of Ordinances and Ordinance 1175 were available at city hall and made a part of the official record.

The public hearing was closed upon motion by Council Member Brennan and second by Council Member Hensley.

Council Member Brennan moved approval of the application for Special Use Permit issued to Deer Creek Club to expand and make improvements to their parking area, upon second by Council Member Burroughs the motion passed unanimously.

#### **Zoning and Planning Matters:**

**ZP1:** Referral to the Zoning and Planning Commission for review and recommendation of an application for a Special Use Permit issued to Sportsman's Park for construction of an outdoor seating area in front of their building at 9901 Clayton Road.

Ms. Sukanek presented the application for an outdoor seating area for Sportsman's Park and noted not much detail was known at that time but would include landscaping between the sidewalk and patio and that parking would be discussed during the Zoning and Planning Commission review.

Council Member Hensley moved referral of the application for a Special Use Permit submitted by Sportsman's Park for construction of an outdoor seating area, upon second by Council Member Burroughs the motion passed unanimously.

#### **New Business:**

##### **Proposed Legislation:**

**Bill No. 2252** – An ordinance of the City of Ladue, Missouri to establish a procedure to disclose potential conflicts of interest and substantial interests for certain municipal officials.

Mayor Spewak read Bill No. 2252 followed by a second reading by Council Member Brennan.

Council Member Howell moved approval of Bill No. 2252, upon second by Council Member Brennan the roll call vote thereupon was as follows:

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

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

**Bill No. 2253** – An ordinance to amend Section IV and Section XV of Ordinance 1175 – The Zoning Ordinance of the City of Ladue, St. Louis County, Missouri – and Chapter 18 of the Ladue Code of Ordinances regarding accessory structures related to animal and garden enclosures and the use of wire mesh for fencing.

Mayor Spewak read Bill No. 2253 followed by a second reading by Council Member Hensley. Mayor Spewak asked if there were any further public comments regarding the bill. No one came forward.

Council Member Howell moved approval of Bill No. 2253, upon second by Council Member Hensley the roll call vote thereupon was as follows:

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

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

**Resolution No. 2020-13** – A resolution authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a contract with West County EMS & Fire Protection District, for organization and delivery of Fire Service Training including live burn training to meet the standards set forth by Insurance Service Office (ISO) and National Fire Protection Association (NFPA).

Chief Lynn explained that the fire department had contracted with West County EMS & Fire Protection District for several years and desired to continue the relationship which provides a valuable service that is important to the department and citizens.

Council Member Hensley moved adoption of Resolution No. 2020-13, upon second by Council Member Brennan the motion passed unanimously.

**Resolution No. 2020-14** – A resolution authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a professional services agreement with O.R. Colan Associates, LLC for the Babler Lane Stormwater Infrastructure Project.

Ms. Lamitola reported that this project is one of five storm water projects that the City is working on. O. R. Colan had worked with the City in the past and assisted in obtaining the necessary easements for other projects and the City would like to continue that relationship. The cost for their services under the contract is \$10,800.00.

Council Member Hensley moved adoption of Resolution No. 2020-14, upon second by Council Member Fox the motion passed unanimously.

**Resolution No. 2020-15** – A resolution authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a contract with Missouri Petroleum Products Company LLC for the 2020 Microsurfacing Project.

Ms. Lamitola reported that this is the 5<sup>th</sup> year the City has contracted microsurfacing projects. There were two bidders with the low bid being submitted by Missouri Petroleum Products LLC in the amount of \$312,928.00. The project encompasses Clayton Road from Lindbergh to Lay Road. The project included striping. Ms. Lamitola noted that the bid package did not include night work but Missouri Petroleum may ask to work at night. The contractor will provide notice and the City will send email blasts notifying residents of the project.

Council Member Hensley moved adoption of Resolution No. 2020-15, upon second by Council Member Brennan the motion passed unanimously.

**Resolution No. 2020-16** – A resolution authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a contract with Plattin Creek Excavating, LLC for the South Tealbrook Drive Stormwater Infrastructure Project.

Ms. Lamitola presented information on both Resolution Nos. 2020-16 and 2020-17 as they related to the same project. Bids were solicited for the South Tealbrook Drive Stormwater Infrastructure Project with seven bids submitted. Plattin Creek Excavating, LLC submitted the lowest and best bid for \$119,000.00. Plattin Creek received glowing references.

Ms. Lamitola initiated discussion regarding the establishment of a contingency fund of \$23,800.00 for the South Tealbrook Drive Storm Water Infrastructure Project in order to avoid project delays in case of change orders requiring Council approval. Any change orders would be reviewed by the Mayor and staff and presented to Council for ratification at the next meeting. Upon conclusion of discussion the contingency of \$23,800.00 for the South Tealbrook Drive Storm Water Infrastructure Project was unanimously approved upon motion by Council Member Brennan and second by Council Member Burroughs.

Council Member Fox moved adoption of Resolution No. 2020-16, upon second by Council Member Hensley the motion passed unanimously.

**Resolution No. 2020-17** – A resolution authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a contract amendment with Hart Engineering, LLC for construction phase services for the South Tealbrook Drive Stormwater infrastructure Project.

Council Member Howell moved adoption of Resolution No. 2020-17, upon second by Council Member Hensley the motion passed unanimously.

**Resolution No. 2020-18** – A resolution authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a contract with Heath Roofing LLC for the removal of the existing roof and installation of a new roof and replacement of the gutter/scupper system and downspouts on the Police Department's Main Building, Portico, and Carport.

Chief Andreski reported that the police department building's gutter system and caulk had failed. An independent assessment of the roof and gutter system was conducted a few years ago which found that the gutters should have been soldered not caulked.

The Chief requested the approval of the resolution authorizing the Mayor to execute a contract with the low bidder Heath Roofing LLC, who received positive reviews, for removal and replacement of the roof, gutter system and downspouts. Chief Andreski mentioned that the City received insurance proceeds of \$34,900.00 which when added to the expense budget amount of \$105,000.00 was within range of the low bid of \$126,729.00.

Mayor Spewak thanked Council Member Hensley for his assistance in exploring other options for resolution of the failing gutter system.

Council Member Brennan moved adoption of Resolution No. 2020-18, upon second by Council Member Burroughs 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.

Mr. Zes presented the second quarter financial report and noted that revenue remained flat, expenditures and payroll were down, and that he was closely monitoring sales tax, investment income and ambulance service payments which are anticipated to remain under budget for the year. Mr. Zes reported that while sales tax revenue year-to-date was over budget the trend of actual sales tax receipts shows a decline. It was noted that electric utility receipts were down. Ms. Seele commented that her firm was working in good faith with cellular service providers conducting audits.

The Mayor and Council reviewed the Vouchers for Payment for the month of June 2020. Council Member Hensley moved their approval, upon second by Council Member Brennan the motion passed unanimously.

The Mayor and Council reviewed the Collector's Report for June 2020. The Mayor ordered the report filed for information.

The Mayor and Council reviewed the Treasurer's Report for June 2020. The Mayor ordered the report filed for information.

The Mayor and Council reviewed the Cash Flow Summary Report for June 2020. The Mayor ordered the report filed for information.

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

**Department Reports:**

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

Chief Lynn reported on the effect the pandemic had on EMS services with calls declining by 30% thus resulting in lower than anticipated revenue. Chief Lynn reported the department was closely monitoring the expense budget. The Chief also reported that the Emergency Operation Center had plans in place if positive cases of the virus increased in first responders. Council Member Kamps inquired about any communication with the schools regarding EMS services. Chief Lynn explained the department had not been in communication with schools but had a protocol in place to protect students and first responders to calls for service once the school session resumes.

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

Chief Andreski reported that the Police Department had ongoing communication with Ladue Schools through the School Resource Officer. The Chief also reported on the crimes report format noting that historically the department had used the Uniformed Crime Reporting (UCR) system but was now mandated to use National Incident-Based Reporting System (NIBRS), which will result in the numbers increasing because of the way crimes are counted. In UCR, if multiple crimes occur during one incident the system assigned a hierarchy and only counted the most serious crime, where all crimes are counted in NIBRS. Therefore, the month to month comparison will not be available until completion of a full year using NIBRS.

Chief Andreski requested authorization to purchase a 2020 Ford Explorer to replace the vehicle that was totaled due to a recent collision. The Chief explained that the state bid assigned dealer was unable to deliver a 2020 Explorer, but one was located at Lou Fusz Ford for only a few hundred dollars over the state bid price at a net cost of \$15,862.04 after insurance proceeds.

Council Member Brennan moved authorization for the Police Chief to purchase one (1) 2020 Ford Explorer with police package from Lou Fusz Ford at a cost of \$15,862.04 (list price of \$34,793.00 minus insurance proceeds of \$18,930.86), upon second by Council Member Burroughs the motion passed unanimously.

Chief Andreski presented a proposal to establish a Body Worn Camera Pilot Program, offered through the current vendor providing the in-car camera systems and microphones, for six officers with a duration of sixty days at no cost to the City.



The BodyWorn by Utility System was chosen based on local support, reliability, ease of use, and the ability to transition to the body worn cameras. The Chief indicated that he anticipated that future considerations for law enforcement to include the body camera trend and hoped to begin a body worn camera pilot program.

The Chief explained that if the pilot program proved successful, he anticipated requesting funding in the 2021 budget to equip all officers with body cameras.

Upon inquiry regarding battery life of the cameras by Council Member Hensley Chief Andreski explained that the device is basically a cell phone that is currently in use for the microphone and if the pilot program is approved the camera would be activated. There have been no issues with charging or recording and the device works with a hot spot, data storage is in the cloud.

Council Member Hensley moved authorization for the Police Department to participate in the Body Worn Camera System for six officers for sixty (60) days at no cost to the City, upon second by Council Member Burroughs the motion passed unanimously.

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

Ms. Lamitola presented a request for an expenditure in the form of a small project storm water grant in the amount of \$10,514.00 for 1271 Lay Road to mitigate backyard flooding and erosion with a collection system. Ms. Lamitola reported that the Storm Water Advisory Committee reviewed the grant application and recommended approval.

Council Member Brennan moved approval of the small project storm water grant for 1271 Lay Road in the amount of \$10,514.00, upon second by Council Member Hensley the motion passed unanimously.

Ms. Lamitola next presented a request to purchase a 2-ton truck equipped with snow removal equipment to replace a 2005 2-ton truck. Ms. Lamitola reported that there is a 7-9-month lead time so the expenditure for the truck would take place in 2021 and be purchased under the state bid at a cost of \$122,465.00 after trade-in..

Council Member Brennan moved authorization for the Public Works Director to purchase one (1) 2021 Freightliner 2-ton truck equipped with snow removal equipment from Truck Centers Inc. at a cost of \$122,465.00, upon second by Council Member Hensley the motion passed unanimously.

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

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

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

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

**Committee Appointments:**

Mayor Spewak requested approval of the establishment of the Ladue Cellular Service Committee (Ad-hoc) and reported on the membership and mission.

Council Member Hensley moved approval of the establishment of the Ladue Cellular Service Committee, upon second by Council Member Brennan the motion passed unanimously.

Mayor Spewak noted the next Council meetings were scheduled for Monday, August 17, 2020 and September 21, 2020.

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 and leasing, purchase or sale of real estate pursuant to RSMo. Section 610.021 (1) (2).

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 and leasing, purchase or sale of real estate pursuant to RSMo. 610.021 (1) (2), upon second by Council Member Brennan the roll call vote there upon was as follows:

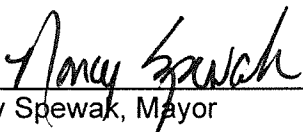
|                          |       |
|--------------------------|-------|
| Council Member Fox       | "Aye" |
| Council Member Brennan   | "Aye" |
| Council Member Howell    | "Aye" |
| Council Member Burroughs | "Aye" |
| Council Member Hensley   | "Aye" |

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

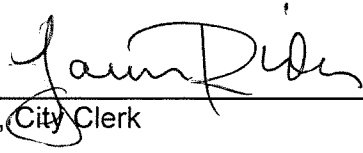
The Mayor and Council, with the exception of Council Member Fox who left the Zoom meeting, went into closed session at 5:45 PM with Ms. Erin Seele, Mr. Keith Henson and Fire Chief Steven Lynn.

The Mayor and Council, with exception of Council Members Fox and Kamps, returned to open session at 6:10 PM with Ms. Erin Seele, Mr. Keith Henson and Fire Chief Steven Lynn.

**Adjournment:** Council Member Howell moved adjournment, upon second by Council Member Burroughs, the motion passed unanimously. The meeting adjourned at 6:11 P.M.

  
 \_\_\_\_\_  
 Nancy Spewak, Mayor

**ATTEST:**

A handwritten signature in cursive script that reads "Laura Rider". The signature is written in black ink and is positioned above a horizontal line.

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Laura Rider, City Clerk