

CITY OF SUNSET HILLS

BOARD OF ALDERMEN

A G E N D A

August 9, 2016

7:00 P.M.

1. Pledge of Allegiance
2. Roll Call
3. Approval of the minutes of the June 28, 2016 and July 12, 2016 meetings.
4. Requests to be heard:
 - a) Request from Toys R Us for four temporary outdoor storage containers located at 3600 South Lindbergh Boulevard August through December 31, 2016.
 - b) Temporary liquor license request from the Sunset Hills/Crestwood Chamber of Commerce for the annual Route 66 Car Festival to be held August 13, 2016.
 - c) Request for a liquor license from Wallis Petroleum for the location at 10743 Watson Road (Currently owned by U-Gas).
5. **PUBLIC HEARING:** Amended Development Plan submitted by Michael Ax of Fred Weber Reinforced Concrete Products, Inc. to allow the demolition of an existing structure and placement of a temporary office at 12950 Gravois Road.

PUBLIC HEARING: The Board will consider an amendment to Appendix B, Section 10.5 Non-Conforming situations, damage or substandard conditions to allow restoration to condominiums developed under chapter 448 RSMO ET SEQ.

6. Old Business:

Bill No. 5 – An ordinance granting a Conditional Use Permit to Stephen Saladin, to construct and operate a drive-thru restaurant at 3751 South Lindbergh.

READ TWICE THEN HELD OVER

Bill No. 10 – An ordinance regarding open meetings and records policy.
READ TWICE THEN TABLED

Bill No. 12 – An ordinance providing for the approval of a subdivision plat for a lot split of the property at 13 Roosevelt Drive as provided in Appendix A, section 4 of the code of ordinances of the City of Sunset Hills, Missouri.
READ TWICE THEN HELD OVER

Bill No. 17 – An ordinance approving an amended development plan for Sunbelt Rentals, Inc. to add two above ground fuel tanks on the property at 13084 Gravois Road.
SECOND READING

Bill No. 18 – An ordinance amending sections 4-51 and 4-52 of the Sunset Hills City Code relating to prohibited conduct for licensees authorized to dispense alcoholic beverages.
SECOND READING

7. City Official and Committee Reports:

- ⇒ **City Clerk/City Administrator, Eric Sterman**
- ⇒ **Accounting Manager, Bill Lehmann**
- ⇒ **Chief of Police, William LaGrand**
- ⇒ **City Attorney, Robert E. Jones**
- ⇒ **City Engineer, Bryson Baker**
- ⇒ **Director of Parks & Recreation, Gerald Brown**
- ⇒ **Treasurer/Collector, Michael Sawicki**

Committee Reports

- a) **Finance Committee – Alderman Gau**
- b) **Economic Development Committee – Alderman Baebler**
- c) **Parks & Recreation Commission – Alderman Kostial**
- d) **Personnel Committee – Alderman Baebler**
- e) **Police Advisory Board – Alderman Bersche**
- f) **Public Works Committee – Alderman Musich**
- g) **Website Committee – Alderman Baebler**

8. New Business:

**Bill No. 19 – An ordinance amending chapter 18, article I Section I with respect to alternative Community Service.
FIRST READING**

Bill No. 20 – An ordinance approving an amended development plan for Fred Weber Reinforced Concrete Products, Inc. to allow demolition of an existing structure and placement of temporary office space on the property at 12950 Gravois Road.

Bill No. 21 – An ordinance amending section 10.5 of Appendix B of the Code respect to restoration of damage or substandard conditions affecting non-conforming structures. – (Petitioner has requested Second Reading)

Resolution No. 391 – A resolution approving a letter of engagement for Hilltop Securities to serve as underwriter for a refunding of the series 2009 Certificates of Participation.

9. Requests to be heard – Non Agenda Subject

10. Invoices to be approved.

11. Appointments

a.) Denis Knock- Capital Improvement Committee

b.) Bruce Studer- Capital Improvements Committee

c.) Mike Fitzgerald - Capital Improvements Committee

Reappointments- none

12. A motion to hold a closed meeting, vote and record immediately following adjournment of the September 13, 2016 and September 27, 2016 meetings.

13. Request to meet in closed session pursuant to 610.21.3 and 610.21.1 RSMo to discuss personnel matters and litigation.

14. Adjournment

MINUTES OF THE WORK SESSION
OF THE BOARD OF ALDERMEN
OF THE CITY OF SUNSET HILLS MISSOURI

HELD ON JUNE 28th, 2016

BE IT REMEMBERED that the Board of Aldermen of the City of Sunset Hills, Missouri met in a work session at City Hall, 3939 S. Lindbergh Blvd., in said City on Tuesday, June 28th, 2016. The meeting convened at 6:00 p.m.

The meeting began with those present standing for the reciting of the Pledge of Allegiance.

Roll Call

Present:

Pat Fribis	-Mayor
Denetra Baebler	-Alderman – Ward I
Richard Gau	-Alderman – Ward I
Steve Bersche	-Alderman – WARD II
Kurt Krueger	-Alderman – WARD III
Keith Kostial	-Alderman – WARD III -by facetime
Thompson Price	-Alderman – WARD IV
Robert E. Jones	-City Attorney
Bryson Baker	-Director of Public Works
Gerald Brown	-Director of Parks & Recreation

Absent: Tom Musich, Mark Colombo arrived at 6:21 pm.

Bill No. 14 -- An ordinance appointing a City Clerk/City Administrator and approving an employment agreement. FIRST READING.

Alderman Baebler read Bill No. 14 for a first reading. Alderman Baebler made a motion to suspend the rules and read Bill No. 14 for a second time. Alderman Gau seconded the motion.

Roll Call Vote:

Alderman Gau	-Aye
Alderman Baebler	-Aye
Alderman Bersche	-Aye
Alderman Kostial	-Aye
Alderman Krueger	-Aye
Alderman Price	-Aye

There being 6 Aye votes and 0 Nay votes, the motion passed.

Alderman Baebler read Bill No. 14 for a second time. Alderman Baebler made a motion to approve Bill No. 14. Alderman Gau seconded the motion.

Roll Call Vote:

Alderman Gau	-Aye
Alderman Baebler	-Aye
Alderman Bersche	-Aye
Alderman Kostial	-Aye
Alderman Krueger	-Aye
Alderman Price	-Aye

There being 6 Aye votes and 0 Nay votes, the motion passed.

Mayor Fribis stated Bill No. 14 adopted and placed in the custody of the City and entered as Ordinance #2011.

 **Resolution No. 388- A Resolution approving a contract with NU Toys Leisure Products and authorizing the Mayor to execute the same on behalf of the City of Sunset Hills.**

Alderman Krueger read Resolution No. 388.

Mr. Gerald Brown stated this is new playground equipment to be installed by the lake and is replacing the obsolete playground equipment.

Motion to approve Resolution No. 388 was made by Alderman Gau and seconded by Alderman Bersche and motion was unanimously approved.

 **Restrictions on height limitations of buildings in commercial zoning districts**

Mayor Fribis stated she, Robert Heacock and Bryson Baker met with the managers/ owners of the four hotels in the city to hear what concerns or issues they had. Discussions were about any problems within the motels, the aging conditions and future improvements. Mayor Fribis stated Mr. Heacock has prepared a report on these issues and Mr. Baker will present a slide show.

Mr. Baker read the definition of the city's districts and the building height requirements based on site size. The four hotels are Holiday Inn, Hampton Inn, Days Inn, and Econo Lodge. He stated one issue was the Holiday Inn which is in the PD-BC district and if a height change was implemented the Holiday Inn could become a 6-8 story tower hotel.

Mr. Baker stated the city is looking into allowing greater heights in the C-I and the PD-LC district, in which the Econo Lodge, Days Inn and Hampton Inn all back up to residential. This would be a difficult area to increase the height because of the residential area.

Mr. Baker stated if the motels decided to redevelop their site vertically, the buffer could be increased, requiring the hotel exposure directed away from the residential area. This would help lighting and the rooms would not be facing the residential areas. Mr. Baker gave a report on other cities and their height requirements.

Mr. Baker stated the main discussion with these hotels were their conditions and what the city can do to help. Mr. Baker stated hotels now want a small footprint and build vertically. He stated this is something where the city could require larger buffers when the building goes higher. Mr. Baker stated these concerns came out of the discussions Mr. Heacock and Mayor Fribis had with the owners and the main reason we wanted to bring it to the board for any thoughts on changing some of the zoning districts height requirements.

Alderman Baebler asked if these hotels are booked over 50% of the time and are in need of additional rooms.

Mr. Heacock responded yes, the hotels all indicated their businesses are very good. The Econo Lodge is more than 50% occupied in fact 25% of occupancy is due to extended stay. Mr. Heacock reported that the hotels are not investing a lot; which means what they have now is as good as it gets. He also stated buildings become outmoded, their footprints are smaller and more vertical and the doors are exterior instead of interior. Some of these hotels will lose their flagship status and become less attractive to guests. Mr. Heacock stated Mayor Fribis had asked staff to look into what the city can do to help address the situation.

Alderman Baebler stated then they are not looking to redevelop and cannot sell to another flagship hotel because of the height requirement and where they are located.

Mr. Heacock stated that's what they have indicated and hotel developers won't even engage in a discussion due to the height restrictions.

Mayor Fribis stated two local businesses send their executives to the Drury Inn in Fenton and she feels the city needs to address this, so when wedding guests come into town we would like to offer them a newer hotel and also the businesses that need this service.

A brief discussion and question session among the aldermen and Mr. Baker regarding what can be done; site sizes, code changes. Mr. Heacock stated that the owner of the Hampton Inn owns 5 properties adjacent to the hotel. The Hampton Inn could increase buffer size if an investment opportunity was there. Mr. Heacock stated again that this was just to communicate what they heard from the property owners and representatives. The owners/managers did not see any opportunity for additional investment until a code revision was changed.

Mayor Fribis stated that hotel executives are on a five year cycle to change and improve their hotels. She also stated they are not going to invest anymore because the hotels are not up to their standards. Mayor Fribis stated the city needs to look at this and be proactive.

Alderman Krueger asked for some clarification regarding the restrictions of the flags and that this may be causing the issue. Another brief discussion among the Aldermen ensued regarding properties, residential areas and buffering.

Mayor Fribis stated this was something that needed to be discussed for the future of the city and what direction the city wants to take to help these businesses.

Alderman Krueger stated that this is why the city needs to adjust zoning ordinances and create an architectural review board. He also stated that just changing the height requirement doesn't give us good quality buildings.

Mr. Heacock stated he agreed and only one hotel property isn't abutting a residential area. If a singular change zone was done without doing a total rewrite, then this would send a strong message indicating the city is willing to help.

Mr. Heacock asked Alderman Gau if this should be on the schedule for the next work session, or defer this to planning and zoning to review and respond. Alderman Gau asked Mr. Baker about just changing the height restrictions. Mr. Baker stated when the Mayor and Mr. Heacock met with the property owners the owners didn't think the city cared about them and by making some changes it shows that the city is trying to work with them and do what is best for the city.

Alderman Gau asked Mr. Baker what is your recommendation 6 or 8 stories or 85 feet. Mr. Baker responded that the Holiday Inn mentioned 8 stories. Alderman Gau reiterated that the city must change the height definitions. Mr. Baker stated if we go an additional 10 feet then it will show that we are willing to help.

Mayor Fribis asked if this should be put on the agenda for the next board session. Mr. Jones asked if he should prepare a draft ordinance and Mayor Fribis stated yes. Mr. Jones clarified changing the height limitations in the PD-BC from 75 feet to 85 feet.

Mr. Heacock asked the Mayor about the remaining hotel areas. Mayor Fribis stated the board should think about it and bring it back to another work session or planning and zoning.

Mr. Heacock stated another issue that was discussed was the higher the building then more buffer requirement. He indicated that the owners were okay with the increase in buffer because they wanted a smaller footprint.

Alderman Bersche stated that the city needs to take a broader view of the issue. The city is very site specific, so we are talking about this specific site rather than looking at the whole block. A brief presentation followed referring to an area on the overhead screen.

Mr. Heacock commented on the possibility of a zoning overlay district for this area and gave some examples of pros and cons. Alderman Gau asked Mr. Jones about the overlay district and would the height requirement be changed. Mr. Jones said it would allow having the flexibility and the adopting ordinance would dictate the height.

Alderman Baebler stated the city should be proactive but still protect our residential property.

Alderman Gau asked Mr. Baker and/or Mr. Jones if they could put together a presentation on the overlay district concept. Mr. Jones stated yes.

Mayor Fribis thanked Mr. Heacock and Mr. Baker for presenting the information.

 Discussion-Decency ordinance

Mayor Fribis stated this situation came about regarding a neighboring community's business using body paint as clothing. Mr. Jones stated everyone has a copy of Ballwin's recent ordinance for review and a similar ordinance was also adopted in several other communities in the last two months. He referenced the state regulation which involves liquor lewdness or things to do with lewdness which are not allowed in a facility of a liquor licensee. He also referenced Ballwin's ordinance regarding the display of different body parts including an opaque covering of the female breast and so body painting would not be allowed.

Mr. Jones stated the city's liquor control code has two sections that are very general, it prohibits failing to maintain an orderly business and the other just says lewd or indecent conduct. Mr. Jones stated the city would need to repeal or reinstate these amendments in those two sections and to be tied to the liquor licenses. Businesses licenses do not include these two sections.

Mayor Fribis asked Mr. Jones to prepare an ordinance for the next Board of Aldermen meeting. The Aldermen agreed.

A question was asked if the city has an ordinance that covers lewdness or indecent exposure occurring on public property, like a swimming pool. Attorney Jones answered yes, under Miscellaneous Chapter 16. Alderman Krueger asked about when a person is asked to leave for indecent exposure, how is this enforced. Attorney Jones stated you would ask that person to leave or call the police; then a report would be forwarded to the Board of Aldermen and a scheduled hearing would be held to suspend or revoke the liquor license.

Mr. Heacock suggested posting clear rules on what is appropriate, what is not and instructing the staff on how to address this if a complaint is received.



Text Amendment and rezoning for Hilltop Condominiums

Mr. Jones stated a resident was trying to refinance an attached condominium unit at Hilltop Condominiums. Financial institutions Fanny Mae or Freddie Mac who purchased these loans does not allow a provision that prohibits rebuilding the property due to a fire or disaster. This was brought to the city's attention and the city looked at the overall zoning of this site and it's a legal non-conforming use at this time. The City of Sunset Hills does not have any multifamily zoning.

Mr. Jones stated the city could adopt a new multifamily zoning district but the city has not been interested in this. The city could rewrite the PD-RC district so it would cover this particular site and possibly two others; The Sunset Hills Apartments Condo and one on Sappington, south of Gravois.

Mr. Jones said he looked at the Condominium Declaration on Hilltop and Sunset Hills Apartment Condos and it states they are a conversion. Mr. Jones suggested adding a phrase to the non-conforming use provisions particularly in the damage or sub-standard condition area. The prohibition on rebuilding when there is more than 50% damage will not apply to condominiums developed under Chapter 448 of the revised statutes of Missouri. Mr. Jones said

this would include all three of the condominium complexes and would allow for residents to obtain financing with our rewriting the PD-RC district.

Mayor Fribis asked Mr. Jones if this needs to go to planning and zoning. Mr. Jones answered yes. Mayor Fribis asked if this could be on the August agenda.

Alderman Bersche stated that everywhere else the damage is greater than 50%. Mr. Jones stated that is correct, they cannot rebuild without bringing it into conformity with the underlining zoning requirements.

Mr. Baker explained that these condominiums were annex into the city and put in the R-3 zoning district. The condominiums should not have been in that zone because they do not meet the requirements. Mr. Baker stated so are the other two apartment complexes, they are miss-zoned and the city has no zone for them. Mr. Baker stated the city either needs to create a zoning district, which is more difficult, or just do the text amendment. Mr. Baker stated the text amendment is the best idea for now until the city addresses code changing.

Mr. Jones stated that planning and zoning could even have a different idea.

Alderman Baebler reported that two additional home sites were purchased and closed on this week. Two more homes will be up on West Watson.

 **Request to meet in closed session pursuant to 610.21.3 and 610.21.1 RSMo to discuss personnel matters and litigation.**

Mayor Fribis stated no close session tonight.

Mr. Jones stated he received a memo from the police department regarding intersections with stop signs that are not included in our code, so the sign is not supported. The memo also indicated prohibiting parking in cul-de-sacs and it only specifies 7 cul-de-sacs and we have more than 7. The police department has asked that the board consider an ordinance that identifies these 3-way stop intersections and one way stop intersections with signs but no ordinance to back it up and also considering prohibiting parking in all cul-de-sacs.

Mr. Jones stated he could bring an ordinance to the next Board of Aldermen meeting for discussion. A question was raised about why the city would want to prohibit parking in cul-de-sacs except for a turnaround for emergency vehicles. Mr. Jones answered according to the police department is for routine traffic flow and emergency equipment and the 7 specified so why would the City prohibiting these 7 and not the others.

Mayor Fribis asked if these streets are posted no overnight parking, or weekend parking.

Mr. Jones read the names of the 7 streets and several aldermen stated these are dead end streets and very narrow streets and not cul-de-sacs.

A question was asked where these stop signs were located. Mr. Jones replied Highway 30 and West Watson (a stop sign in the middle of the island) and Rahning and Old Gravois. The stop sign has been there for years but has not been included in the list of stop signs.

Mayor Fribis stated if the city does nothing then we cannot give a ticket and Mr. Jones replied yes.

Alderman Baebler stated she and the Chief had a discussion regarding Gravois and West Watson to schedule a meeting with the residents regarding traffic issues. The meeting projected date is the end of July or early August.

Mayor Fribis said they will have this put on the next work session agenda for the end of August.

Mayor Fribis addressed Mr. Thias stating they normally do not have audience participations at work sessions. She stated he may address the Aldermen or herself after the meeting.

Mr. Thias proceeded to state that he needs more time to develop a plan for the upcoming lot split regarding the family home discussed at the June 14 Board of Aldermen meeting.

Mayor Fribis stated this is a family issue and he needs to contact his sisters regarding the lot split.

Mr. Chris Berry who resides in the Hilltop Condominiums clarified some issues on the refinancing of loans under the provision and the non-conforming loans. He stated he was in contact with Cornerstone Mortgage and they cannot provide any loans through themselves. The roofs have just been replaced on all units and Ryno Shield approved spending \$15,000.00 a unit, (some of these residents don't have that kind of money) to improve the place. He stated under the condominium rules if something happens there are provisions that needs to conform to the rest of condominiums.

Mr. Chris Berry stated he wanted to convey this situation to the board and was just made aware of this when trying to close on his loan. He stated his agent suggested bringing this to the city's attention.

Mayor Fribis reminded him that they are moving forward on this but it will take time.

Mr. Baker was requested to have this issue put on planning and zoning August agenda.

Adjournment

 A motion to adjourn was made by Alderman Bersche and seconded by Alderman Krueger and was unanimously approved. Adjournment at 8:19 p.m.

Dede Hendricks

Recording Secretary

MINUTES OF THE REGULAR MEETING
OF THE BOARD OF ALDERMEN
OF THE CITY OF SUNSET HILLS MISSOURI
HELD ON JULY 12, 2016

BE IT REMEMBERED that the Board of Aldermen of the City of Sunset Hills, Missouri met in regular session at City Hall, 3939 S. Lindbergh Blvd., in said City on Tuesday, July 12, 2016. The meeting convened at 7:08 p.m.

 The meeting began with those present standing for the reciting of the Pledge of Allegiance.

Mayor Fribis asked for a moment of silence for all police officers who protect us. Mayor Fribis stated Blue Ribbons will be passed out after tonight's meeting.

Roll Call

Present:

Patricia Fribis	-Mayor
Denetra Baebler	-Alderman – Ward I
Richard Gau	-Alderman – Ward I
Steve Bersche	-Alderman – WARD II
Thomas Musich	-Alderman – WARD II via facetime
Kurt Krueger	-Alderman – WARD III
Keith Kostial	-Alderman – WARD III
Thompson Price	-Alderman – WARD IV
Mark Colombo	-Alderman-Ward IV
Bill Lehmann	-Accounting Manager
Lori Stone	-Deputy City Clerk
William LaGrand	-Chief of Police
Bryson Baker	-City Engineer
Gerald Brown	-Director of Parks and Recreation
Robert E. Jones	-City Attorney
Michael Sawicki	-City Collector

Absent:

APPROVAL OF THE MINUTES

Copies of the Minutes of the May 24, 2016 work session and June 14, 2016 Board of Aldermen meetings were distributed to the members for their review. Alderman

Gau made a motion to accept the minutes of May 24, 2016 meeting as read. Alderman Price seconded the motion, and it was unanimously approved.

Alderman Gau made a motion to accept the minutes of June 14, 2016 meeting as read. Alderman Baebler seconded the motion, and it was unanimously approved.



Employee Service Recognition

Chief LaGrand recognized Police Officer, Greg Schnittker, for his 10 years of service.

Bryson Baker recognized Jerry Eime, of Public Works for his 5 years of service.



Recognition of Community Service- Aidan Sengupta, Lend a Book Program

Alderman Baebler gave a brief statement regarding Aidan on his outstanding accomplishment.



Proclamation

Mayor Fribis proclaimed July 1, 2016 as Laumeier Sculpture Park Day, commemorating their 40th Birthday Celebration. Festivities will be held on July 16, 2016.



Requests to be heard

- a) St. Justin Martyr Church Annual Fall Festival on September 23-24, 2016 located at 11910 Eddie & Park Road. Alderman Gau made a motion to approve the fall festival and seconded by Alderman Bersche, and it was unanimously approved.
- b) Full Throttle Magazine, 8th Annual Grease, Gears and Grooves event September 10, 2016 at 11872 Gravois Road-Sunset Ford. Alderman Gau made a motion to approve the Grease, Gears and Grooves event and seconded by Alderman Price and it was unanimously approved.
- c) Request for temporary liquor license from St. Justin Martyr Church to serve alcohol at their annual Fall Festival on September 23-24, 2016. Alderman Gau made a motion to approve the temporary liquor license at the fall festival and seconded by Alderman Bersche and it was unanimously approved.

- d) Request for temporary liquor license from Halfway Haus to serve alcohol at the special event Grease, Gears and Grooves on September 10, 2016. Alderman Gau made a motion to approve the temporary liquor license from Halfway Haus on September 10, 2016 and seconded by Alderman Bersche and it was unanimously approved.
- e) Request from Vanderbilt Homes to have a variance granted for a proposed septic system at 12871 Weber Hill Road.

Mr. Scott Paul of Vanderbilt Homes was present and requested a variance for a septic system. Mr. Paul explained they already have applied and received a variance for this property for the setbacks to pull the house closer to the road. He stated that MSD and St. Louis County have already approved the septic design.

Alderman Price made a motion to approve the variance for a septic system and seconded by Alderman Baebler. There were 6 Ayes and 2 Nays, motion passed.

Mayor Fribis announced that no comments are going to be heard regarding Jimmy John's at this time. It's not on the agenda for tonight, if anyone would like to discuss Jimmy John's please call the City Hall and request to speak at the August meeting.

 **PUBLIC HEARING: Final Development Plan, submitted by Don Jacobsmeyer, to re-develop the site at 10300 Watson Road (aka Color Art Building) was read by Alderman Kostial.**

Attorney John King was present and would like to have this final development plan approved and asked the Board of Aldermen to pass this plan.

Ms. Pam Spiros of 10725 Julius Northway was present and stated that she is in favor of this development plan.

 **PUBLIC HEARING: Amended Development Plan submitted by Sunbelt Rentals for the installation of above ground fuel tanks at 13084 Gravois Road was read by Alderman Price.**

Mr. Kent Nurnberger a civil engineer, representing Sunbelt Rentals on this project was present. He stated during this process they realized they did not include the exterior above ground fuel storage tanks. Mr. Nurnberger stated Sunbelt Rentals are now asking for approval of the plan for these above ground fuel tanks. Alderman Price asked if the tanks are above the height of the flood the city had this year. Mr. Nurnberger stated no, the planning commission asked if they could be secured. Mr.

Nurnberger stated that the above ground tanks need a permit in St. Louis County with a seismic design to insure that the tanks don't get jarred. He stated this design is in the process right now. Question was asked if there is a way to liquidate the fuel or close them off in an event of a flood. Mr. Nurnberger believes that there would be enough time to drain the tanks in a flood situation.

Mayor Fribis closed the public hearing.

Old Business

 **Bill No. 10 – An ordinance regarding open meetings and records policy. SECOND READING**

Alderman Gau read Bill No. 10 for a second time.

Mr. Cliff Underwood stated the upcoming changes at polling places. He stated times are changing and going to video conferencing and suggested tabling this bill.

Ms. Ann Ludlow of 12430 Matthews Lane stated video conferencing should be allowed in our city. She stated Alderman Kostial was elected by the residents in his ward and if the Board of Aldermen decided to remove him, the residents have no voice in the matter and who would represent the residents. She praised Mr. Kostial for representing the residents and he has been very informative and should not be replaced.

Mr. Doug McGuire of 12501 Maret Drive stated he supports Mr. Kostial. Mr. McGuire stated Mr. Kostial is not like some of the people here who sit here and collect dust. He stated Mr. Kostial brings up issues even when he is tele conferencing. He states times are changing and even the dress attire has changed in this meeting.

Mr. Casey Wong of 10246 E. Watson stated he would be in favor of a frequency limit, but that's doesn't mean that it's not contrary to the state law. Mr. Wong raised a concern regarding Bill # 14 being absent from the agenda regarding the city administrator's contract. He applauded the board for moving this along, but noticed the contract was on the agenda for June 28, 2016 meeting and was included in the board packets but not posted on line. He stated according to Ordinance 2004 which was passed at the last session that all attachments and exhibits which will be passed as ordinances are to be posted on line. He stated he is not sure what the contents of the contract are but he believes a vote was taken and he thinks there should be a public discourse. Mr. Wong stated he would like to see these contracts posted so that the residents could voice their concerns including the severance issue. He stated he didn't know if this was discussed because he was not aware this potential vote.

Ms. Ester Geer of 9420 Sappington Estates Drive stated she is against limiting the use of video conferencing. She feels that The City of Sunset Hills should abide by the Missouri Senate Bill #170. She asked why the City of Sunset Hills aldermen would

want to limit video conferencing if it would allow an alderman to be present; whether it would be a vote or just video appearance. She asked is this a way to get rid of a very good alderman. Ms. Geer again referenced Senate Bill #170 and strongly opposes Bill No. 10- Sections 234 and 235 which limits voting rights.

Mayor Fribis asked Mr. Jones to clarify Senate Bill # 170. Mr. Jones stated it actually added only 6 words in a portion of the Sunshine Law; that a roll call vote could include members participating by video conferencing. He stated that this is the only addition to the existing section of the Sunshine Law.

Mr. Jones explained that there is no language that requires such participation be unlimited or no language that makes it mandatory to allow video conferencing. I previously rendered an opinion that the city cannot prohibit something that law allows, but the city could restrict or regulate video conferencing but not strictly prohibit it. This bill on tonight's agenda does not prohibit video conferencing in fact it limits it or defines it. It allows the board on a case to case basis to determine if video conferencing should be allowed and a roll call vote counted even if it exceeds the three times in a rolling twelve month period. There are safe guards in this bill to consider which certainly would fall short of strict prohibition.

Mayor Fribis asked if other communities are following the same. Mr. Jones said yes, Richmond Heights. Mr. Jones stated not a lot of communities have even talked about video conferencing.

Mayor Fribis clarified that the City is in accordance with the Municipal League and are in complete agreement with the Missouri State law. Mr. Jones answered as that law exists at this time, yes.

Alderman Bersche stated that since Senator Schmitt has asked Attorney General Koster to look in this what are your thoughts Mr. Jones what his formal request for the opinion of the law is. Mr. Jones replied that with all due respect the Attorney General is just another lawyer. His opinion does not hold the force of law that a court opinion would, nor does it hold the force of law that a statute would. The Attorney General opinion would be helpful.

Alderman Kostial explained the three branches of government and the municipal league is not included any of these three branches. Mr. Kostial made a reference to the statement Mr. Jones made that the Attorney General is just another lawyer and opinion. He referenced the letter from Governor Nixon stating Senate Bill #170 purpose is to increase the opportunity for full participation by elected officials through video conferencing. The second point is no limit is placed on the number of meetings a member could attend by video conference, and technology bridges gaps connecting citizens throughout all corners of the state to accomplish great work.

Alderman Kostial stated Bill #10 is not being sensitive to represented government by limiting and restricting.

Mr. Jones stated there is nothing in Senator Schmitt's letter taking any position whatsoever on Sunset Hill's legislation. Mr. Kostial referenced language in the letter stating no limit on the number of meetings. Mayor Fribis answered that is a question; there is a question mark at the end. Mr. Kostial explained Senator Schmitt is a lawmaker, he represents District 15 and he questions what Sunset Hills is doing. He is now asking for a higher level of opinion.

Alderman Gau inquired about the purchase of additional equipment in the Bill #10. Mr. Jones stated no additional costs.

Alderman Kostial stated there are other types of video programs available some as low as \$49.00 per month.

Alderman Bersche asked if this could be tabled, and stated he is also interested in the formal opinion handed down.

Alderman Bersche made a motion to table Bill #10 and seconded by Alderman Kostial.

Mayor Fribis asked for a voice vote.

There being 7 Aye votes and 1 Nay vote, the bill was tabled.

Alderman Bersche asked how long a formal request for an opinion would take. Mr. Jones answered sometimes it takes months, but since this is a senator maybe it will be faster.

Mayor Fribis has requested that Bill #10 be left on the agenda each month.

Alderman Gau asked if the Bill gets passed, can the ordinance be amended. Mr. Jones said yes. Alderman Gau stated even if the bill passes as it is written could it still be amended at a future date, 2-3-4 months down the road. Mr. Jones recommends that; if a new statute was passed or a court decision impacts any of the ordinances Mr. Jones brings them to the city's attention.

Alderman Kostial asked Mr. Jones for clarification on Alderman Gau's question. Mr. Jones explained that if an ordinance is passed by this board it could be amended at a later date. Mr. Jones answered yes it can. Alderman Kostial stated to take action into a matter that is still a grey matter and then amend it after the fact could have ill fate.

Alderman Colombo commented that there is no rush to get this done. When the opinion comes back the board can take a look and get it right the first time and not have to amend it.

Alderman Baebler had a concern about the interpretation of the letter from Senator Schmitt. She contacted him and read his response. Alderman Baebler stated Senator Schmitt is not criticizing this ordinance, but just answering a question and/or clarification.

 **Bill No. 11 – An ordinance amending the procedures for the second reading of a Bill at the same meeting. SECOND READING**

Alderman Price read Bill No. 11 for a second time. Alderman Gau made a motion to approve Bill No. 11. Alderman Colombo seconded the motion.

Roll Call Vote:

Alderman Baebler	Aye
Alderman Gau	Aye
Alderman Musich	Aye
Alderman Bersche	Aye
Alderman Krueger	Aye
Alderman Kostial	Aye
Alderman Price	Aye
Alderman Colombo	Aye

There being 8 Aye votes and 0 Nay votes, the motion passed.

Mayor Fribis declared Bill No. 11 to become Ordinance #2012.

 **Bill No. 12 – An ordinance providing for the approval of a subdivision plat for a lot split of the property at 13 Roosevelt Drive as provided in Appendix A, section 4 of the code of ordinances of the City of Sunset Hills, Missouri SECOND READING**

Alderman Krueger read Bill No. 12 for a second time.

Mr. Bryson Baker gave some clarification on some issues from residents who attended last month's meeting. The issues were the impact of wildlife, some creek issues regarding septic system and trees. Mr. Baker stated that Ms. Thias will address the wildlife (bats). Mr. Baker also stated that MSD has allowed the septic systems on this property. This property is a little over two acres and the city's tree preservation plan (tree code) will require the owner to create a tree preservation plan based on the size of the property. The owner will have to indicate on the map the size of tree, the species, the value, the height of the trees. The plan will be submitted to the staff and Mr. Baker stated he will review the plan and consider what trees that will be removed based on the

construction plan. Mr. Baker stated that when property is over two acres the tree code plan kicks in and the trees will be taken care of on this property.

Ms. Nancy Thias of 1660 Ivy Chase Lane, Fenton was present, Ms. Linda Sachs of 117 Central, Webster Groves was present with St. Louis County Surveying. Ms. Thias stated that a bat removal and bat relocation contract has been issued with Missouri Bat and two bat houses will be placed on the property. This is will begin in the fall when the house is demolished and the bats will be replaced at that time. The County Surveying representative asked for the plan to be on the overhead screen and stated he and Ms. Thias walked through the property and discussed the trees.

Mr. Nathan Wilber of 24 Black Oak Dr. was present and read an email he sent to the aldermen stating he is against the demolition of this home. He feels this is a piece of Sunset Hills history and should be preserved. Mr. Wilber would like to hear from the preservation office before any decision is made. Mr. Wilber stated that this is a good opportunity for the city to establish a preservation ordinance, land mark, demolition review to help protect properties in our neighborhoods.

Ms. Lori Scarlett of 11 Roosevelt Drive was present and stated she would like Bill #12 to be voted down or tabled. She feels this will change the character of the neighborhood and the wooded area.

Mr. Charlie Scarlett of 11 Roosevelt Drive was present and asked for this ordinance be tabled until more information is available.

Mr. Don Eldon of 11 Roosevelt Drive was present and also asked for this ordinance be tabled.

Mr. Eric Thias spoke and was very appreciative of the comments made from the neighbors. Mr. Thias does not want this home to be demolished.

Mayor Fribis asked Mr. Baker what condition the house was in. Mr. Baker stated the house is in disrepair. It will take a large amount of time and money to bring it up to code. If the lot split failed, the property owner would have to improve the house or demolish the house. A comment was made that the house could easily be brought back to its original condition based on a realtor's experience.

A question was asked what the proposed lot sizes are. Mr. Baker said .7 acres and the other 1.3. Alderman Gau asked why the lot is not split into 2-1 acre lots. Mr. Baker replied don't believe there was a reason was given but they could be split into 2-1 acre lots. He believes Ms. Thias stated she would live on the smaller lot and sell the larger lot. A question was raised about the septic tanks. Mr. Baker replied there is currently one on the property now and with two separate houses a second one will be needed. Mr. Baker stated the city relies on the MSD and the county to make sure the septic systems are installed, work and design properly.

Alderman Krueger had a concern regarding the land being level for the septic system and proper drainage. He referenced a previous Weber Hill Road variance regarding the topography of the site. Mr. Krueger stated that the county and MSD required a flat level area for proper drainage. Alderman Krueger asked if this area was going to need an expensive private septic system. He stated won't this change the character of the neighborhood and that the city doesn't over utilize the current public utilities in which this property doesn't have public utilities. Alderman Krueger stated he doesn't see how the city can move forward with a lot split on this property.

Mr. Baker stated some the concerns are difficult to answer. The character is an opinion, so that would be up to the board to determine the character. The utilities are not public utilities they are private utilities; so no, and that's why the city contracts with the county. Mr. Baker believes some preliminary designs on the septic systems have been done.

Alderman Krueger asked about the studio proposal on the smaller lot. He asked if this studio was for public access or private studio and is it allowed through the city's ordinances.

Mr. Baker stated this is a lot split issue and until they come in and ask for a permit, they are not required to show any proposed structure.

Alderman Baebler asked Mr. Baker about driveway requirements. Mr. Baker stated this lot is zoned differently than the other neighboring property. This lot is R-2 and they are fine.

Alderman Kostial asked about the aging roadway and how two new constructions would affect Roosevelt Street. Mr. Baker replied if there is any major damage to the property resulting from construction, the property owner is required to assist in the repair or do the repair. Mr. Baker stated if the road has enough damage and can prove it was the construction then the property owner would repair the damage.

Alderman Price stated his understanding is the way the property sits, it has to be brought up to code or torn down. Mr. Baker replied yes. Alderman Price stated are the property owners in a position to bring it up to code, or wanting to invest that kind of money.

Alderman Baebler stated in light of the information the city has received this evening I would like to make a motion to table this Bill for 30 days. After a discussion with Mr. Jones he suggested that this bill can be brought back next month under old business, Alderman Baebler withdrew her motion.

Ms. Thias stated Mr. Hadley has tried to save this house, after the estimates that was received it became costly. The home is not marketable; it's not a popular style home. The property is more valuable than the home. Two other homes in this area will

also be torn down, so this is part of a movement or trend. This is a family decision and the family wants to move forward.

Mayor Fribis said this bill will appear as old business next month.

 **Bill No. 13 – An ordinance creating the Capital Improvement Committee SECOND READING**

Alderman Bersche read Bill No. 13 for a second time. Alderman Gau made a motion to approve Bill No. 13. Alderman Colombo seconded the motion.

Roll Call Vote:

Alderman Baebler	-Aye
Alderman Gau	-Aye
Alderman Bersche	-Aye
Alderman Musich	-Aye
Alderman Krueger	-Aye
Alderman Kostial	-Aye
Alderman Price	-Aye
Alderman Colombo	-Aye

There being 8 AYE votes and 0 NAY votes, the motion passed.

Mayor Fribis declared Bill #13 to become Ordinance 2013.

CITY OFFICIAL AND COMMITTEE REPORTS

- A. Deputy City Clerk – Lori Stone stated nothing to report.

- B. Accounting Manager- Bill Lehmann report our city's audit for 2015 conducted by Botz Deal was classified as an unmodified which is recognized as good.

- C. Chief of Police - William LaGrand stated besides the monthly reports; he thanked everyone for their support since the Dallas shootings. Residents have dropped off goodies, notes and messages of support and the department appreciates it very much.

- D. City Attorney - Robert E. Jones stated enclosed in the packet is a draft ordinance which is a reaction to new legislation that was just talked about

earlier. This bill was sponsored by Senator Schmitt. Senate Bill 572 was a reaction to litigation and other items concerning prior Senate Bill 5. The requirement in the new Senate Bill 572 is that the Municipal Court makes use of Community Service alternatives for which no associated costs are charge to the defendant. Mr. Jones answered in the court system there are agencies, which oversee alternative community service, check to see if defendants attended classes and did what they were supposed to do. This bill seems to suggest making some alternatives available at no costs. Which means the defendant could go to churches, food pantries, etc. and use that to satisfy the community service portion of sentence. Mr. Jones stated he made two changes to the existing ordinance. One alternative is at no cost to the defendant and removed the section that allowed the defendant to perform community service on city property. Mr. Jones stated he would like to bring this back to the board as an actual bill and will have it on next month's agenda.

Mr. Jones gave an update on the Clearwire and Sprint business licenses for their antenna and a public hearing was going to be scheduled. The city received \$28,000 of the \$39,000 that was due and now looking into the other 11 sites to see if they were decommissioned. Mr. Jones will Inform the collector of this.

E. City Engineer - Bryson Baker stated the West Watson improvement project bids were opened today and will be submitted to MODot for their review and approved. The bridge documents for possible design improvements of the chambers, lobby and public works are due on the 15th.

F. Director of Parks & Recreation- Gerald Brown stated the ribbon cutting for the outdoor gym was conducted. This is the first in the St. Louis region. The playground equipment will be installed late August and two resolutions are on the agenda, both are for municipal parks grant commission. The park board decided to try for two; for Kitun Park and Truman walkway and the school and a new slide for pool.

G. Treasurer/Collector – Michael Sawicki stated that the reports are circulated and he thanked Mr. Lehmann and his staff for being up to speed.

COMMITTEE REPORTS

FINANCE COMMITTEE- Alderman Gau stated the finance committee met and reviewed the investment policy and also reviewed the Tyler timeline. That project is extending out farther than the committee anticipated and is looking for completion around April 2017.

ECONOMIC DEVELOPMENT COMMITTEE- Alderman Baebler stated next meeting is July 14 at 6pm.

PARKS & RECREATION COMMITTEE- Alderman Kostial stated the pool revenue is up \$30,000 year to date. The front desk at the community center is under construction and completion is scheduled by August 26. Due to some rain outs at the pool a family dinner night is planned for Thursday July 14.

PERSONNEL COMMITTEE- Alderman Baebler stated nothing to report.

POLICE ADVISORY BOARD- Alderman Bersche stated nothing to report.

PUBLIC WORKS COMMITTEE- Alderman Musich stated at the last public works meeting no votes were taken and no requests for any funds. A number of discussions were sanitary sewer issues, Tapawingo streets, city hall enhancements, sidewalk projects and drainage improvement on Weber Hill road. The next meeting is August 4, but some scheduling issues arose because Mr. Baker could not attend. Alderman Musich stated the next public works meeting is possibly August 11, at 6pm.

WEBSITE COMMITTEE- Alderman Baebler stated nothing to report.

New Business

 **Bill No. 15 – An ordinance approving a final development plan for Don Jacobsmeyer to redevelop the site at 10300 Watson Road. FIRST READING (Petitioner has requested a second reading)**

Alderman Musich read Bill No. 15 for a first reading.

Alderman Musich made a motion to suspend the rules. Alderman Bersche seconded the motion.

Roll Call Vote:

Alderman Baebler	-Nay
Alderman Gau	-Aye
Alderman Bersche	-Aye
Alderman Musich	-Aye
Alderman Krueger	-Nay
Alderman Kostial	-Aye
Alderman Price	-Aye
Alderman Colombo	-Aye

There being 6 Aye and 2 Nay votes, the motion passed.

Alderman Musich read the Bill No. 15 for a second reading.

Alderman Bersche made a motion to approve Bill No. 15. Alderman Price seconded the motion.

Roll Call Vote:

Alderman Baebler	-Nay
Alderman Gau	-Nay
Alderman Bersche	-Aye
Alderman Musich	-Aye
Alderman Krueger	-Nay
Alderman Kostial	-Aye
Alderman Price	-Aye
Alderman Colombo	-Aye

There being 5 Aye and 3 Nay votes Bill No. 15 passed and becomes ordinance #2014.

 **Bill No. 16 – An ordinance providing for the approval of a subdivision plat for a lot consolidation of the property at 424 Handy Street, 415 Spears Street and 421 Spears Street as provided in Appendix A of the Code of Ordinances of the City of Sunset Hills, Missouri. FIRST READING (petitioner has requested a second reading)**

Alderman Colombo read Bill No. 16 for a first reading.

Alderman Krueger made a motion to suspend the rules. Alderman Musich seconded the motion.

Roll Call Vote:

Alderman Baebler	-Nay
Alderman Gau	-Aye
Alderman Bersche	-Aye
Alderman Musich	-Aye
Alderman Krueger	-Aye
Alderman Kostial	-Aye
Alderman Price	-Aye

Alderman Colombo -Aye

There being 7 Ayes and 1 Nay votes the motion passed.

Alderman Colombo read Bill No. 16 for a second time.

Alderman Krueger made a motion to approve and seconded Alderman Price.

Roll Call Vote:

Alderman Baebler	-Nay
Alderman Gau	-Aye
Alderman Bersche	-Aye
Alderman Musich	-Aye
Alderman Krueger	-Aye
Alderman Kostial	-Aye
Alderman Price	-Aye
Alderman Colombo	-Aye

There being 7 Ayes and 1 Nay votes, the motion passed.

Mayor Fribis declared Bill No.16 passed and becomes Ordinance #2015.

 **Bill No. 17- An ordinance approving an amended development plan for Sunbelt Rentals, Inc. to add two above ground fuel tanks on the property at 13084 Gravois Road. FIRST READING**

Alderman Kostial read Bill No. 17 for a first reading.

 **Bill No. 18 – An ordinance amending sections 4-51 and 4-52 of the Sunset Hills City Code relating to prohibited conduct of licensees authorized to dispense alcoholic beverages. FIRST READING**

Alderman Price read Bill No. 18 for a first reading.

 **Resolution No. 389 – A resolution deeming it necessary to construct a slide at the aquatic facility.**

Alderman Gau read Resolution No. 389. Motion to approve Resolution #389 made by Alderman Gau and seconded by Alderman Bersche and motion was unanimously approved.

 **Resolution No. 390 – A resolution deeming it necessary to construct a fitness trail and restroom that will serve its citizens as well as the traveling public.**

Alderman Baebler read Resolution No. 390. Motion to approve Resolution #390 made by Alderman Baebler and seconded by Alderman Price and motion was unanimously approved.

 **REQUESTS TO BE HEARD (NON-AGENDA)**

Mr. Kevin Jakovbek of 12418 ChrisAnn stated his concerns regarding Mellow Mushroom. He referenced this restaurant as an adult Disneyland. He stated he lives across the street from this area which includes outside seating, big screens TV's, bocce courts and music. Mr. Jakovbek stated he has had issues in the past with noise with prior businesses up to 10 pm and now it will be subject to noise again.

Mr. Chas McMillion of 12455 ChrisAnn stated his concern was the usage of the street of ChrisAnn and the condition in which it was left before, during and after construction. Mr. McMillion referenced pictures on the overhead showing how bad the condition of the road is now and is very disappointed with the condition of the road.

A discussion was held between Mr. Baker, Mr. Jones, Mr. McMillion and others regarding how this will be fixed and who is responsible and the possibility of withholding their occupancy permit. Mr. Jones will review the easement document with the recorder of deeds.

Alderman Bersche asked will Mr. Baker or Mr. Jones ask Mellow Mushroom for the \$2500.00 escrow. He asked if the city will write a formal letter stating the road is not in an acceptable condition. Alderman Bersche stated as a board how is the occupancy withheld. Mr. Jones stated clarification is needed from the easement document to see what the legal obligation is. Mr. Baker stated he believes Mellow Mushroom is looking to open in the next week. Alderman Gau stated so if they open there is zero leverage other than revoking the conditional use permit.

Mr. Baker stated if the city gets the \$2500.00 escrow money, where will it be held. Mr. McMillian suggested a title company or asphalt contractor could hold the money. Alderman Gau stated the amount may need to be larger due to the potholes. Mr. McMillian stated the permit specifically states it is for straightening up the road. He stated Mellow Mushroom should put the road back to its original condition. Alderman Gau reiterated that the permit stated the road is to be put back to its original condition.

Mr. Heacock asked for some clarification one is when using an escrow on a private street does the city has the ability to that. How to affect the repairs directly from the company, the city holds the money and they use it and get it to reimburse and pay. The issue is if the city spends money on a street the city does not own. Mr. Jones stated this was his concern when speaking with Mr. Baker. Mr. Heacock's other issue is could Mr. Baker issue a temporary occupancy permit for say 30 days to allow the board to further investigate this road issue. Mr. Jones stated the city has done this before and that is a good idea.

Mayor Fribis stated that if they don't comply, they will be shut down. Mr. Heacock stated you have two options; the city could withhold the occupancy permit or any other requirement like following the condition of the conditional use permit and could withdraw that at that time. Mellow Mushroom could still open and they are trying to be a good community partner, but to let them know how they treated the area and bring conclusion to this discussion in a positive way for all parties.

Alderman Kostial stated it would be difficult to define what expectations would be based on previous standards and this might be hard to have a common ground on this situation.

Mr. Baker stated his concern going beyond the \$2500.00 escrow. Mayor Fribis stated repairs should go back to the original state before they used it (fixing potholes). Mr. Jones commented Mellow Mushroom might have an affirmative obligation in the easement document or at least a joint obligation.

Alderman Gau made a motion for the Public Works Director to issue a 45 day temporary occupancy permit for Mellow Mushroom. Seconded by Alderman Baebler and it was unanimously passed.

Sandra Jo Ankney gave an update on the deer report she distributed to the board members. Based on the report she would like the board to suspend the 2016-17 deer bow hunting starting 9/17/16 and ending 1/15/17 until such time regarding any changes in the deer population.

Mayor Fribis announced two birthdays; Dee Baebler and a 60 year resident of Sunset Hills celebrating her 100th birthday; a celebration is being held at the Historical Society.

INVOICES TO BE APPROVED

Alderman Gau made a motion to approve payment of the invoices. Alderman Bersche seconded the motion, and it was unanimously approved.

APPOINTMENTS

Mayor Fribis stated appointment "g" will be omitted and will be addressed at a later time.

- a) Elizabeth Huonker Ward 2- Economic Development Committee (replacing Scott Haggerty).
- b) Pam Livingston Ward 3- Parks and Recreation Commission-at large position. (Doug McGuire moved from at large to Ward 1 position)
- c) Richard Gau Ward 1- Capital Improvement Committee
- d) Thomas Musich Ward 2- Capital Improvement Committee
- e) Kurt Krueger Ward 3 – Capital Improvement Committee
- f) Mark Colombo Ward 4- Capital Improvement Committee

Alderman Gau made a motion to approve appointments a-f which was seconded by Alderman Krueger and motion passed unanimously.

Reappointments

- a) Bill Taylor Ward 2 – Economic Development Committee

Alderman Musich stated Mr. Taylor might have moved and is no longer in Ward 2, clarification will be made and reappointment will be held at a later date.

- b) Richard Gau Ward 1 – Economic Development Committee

Alderman Musich made a motion to re-appoint and Alderman Baebler seconded it, motion passed unanimously.



A MOTION TO HOLD A CLOSED MEETING

A motion was made by Alderman Price to hold a closed meeting, with closed votes and records immediately after adjournment of the August 9, 2016 and August 23, 2016 meetings and Alderman Bersche seconded the motion, and the members voted:

Roll Call Vote:

Alderman Baebler	-Aye
Alderman Gau	-Aye
Alderman Musich	-Aye
Alderman Bersche	-Aye
Alderman Krueger	-Aye
Alderman Kostial	-Aye
Alderman Price	-Aye
Alderman Colombo	-Aye

There being 8 AYE votes and 0 NAY votes, the motion passed

ADJOURNMENT

Alderman Gau made a motion to adjourn the meeting. The motion was seconded by Alderman Bersche, and it was unanimously approved, meeting adjourned at 9:44 pm.

Recording Secretary



Dede Hendricks

7/27/2016

Dear Mayor Pat Fribis,

Let me introduce myself, my name is John Paszkiewicz Sr. I am the new Store Manager for the Toys R Us store in Sunset Hills, MO.

I am writing to you to request to be permitted to place 4 storage containers on the exterior of our building. These containers will be used to store the following: store fixtures and racking, large seasonal summer product (which we don't sell very much during season) and large bulky gifts that are sent to us for our holiday selling season. These containers allow us to store a much greater amount of holiday product within the storeroom inside the building.

These containers will be stored, side by side in a four square pattern, on the west side of the building towards Midas Mufflers. Each container will take up about 7 parking spaces, so we anticipate that 14-16 parking spaces will be covered during this timeframe.

We would need these containers on the premises from 7/27/2016 through 12/31/2016.

I appreciate your consideration and look forward to your reply to our request.

Sincerely,

John Paszkiewicz Sr.

Store Manager

Toys R Us, 9565

Sunset Hills, MO



3939 SOUTH LINDBERGH BOULEVARD
SUNSET HILLS, MISSOURI 63127

PHONE: (314) 849-3400
FAX: (314) 849-8110
www.sunset-hills.com

TEMPORARY LIQUOR LICENSE APPLICATION

The undersigned hereby makes application to the City of Sunset Hills Board of Aldermen for a temporary license to sell:

Please check appropriate box below:

- 1. **Not For Profit** liquor by the drink for consumption on the premises where sold

There shall be a limited permit to sell liquor by the drink for consumption on the premises where sold for a church, school, civic, service, fraternal, veteran, political or charitable club or organization at a picnic, bazaar, fair or other special event gathering. Such permit shall only be issued for the day or days specified and **shall not be for more than seven (7) days per fiscal year.**

For such a permit, the licensee shall pay fifty dollars (\$50.00) *RCR# 1173*
And make a deposit in the amount of three hundred fifty dollars (\$350.00) *CR# 1172.*

Which represents approximately eight (8) man hours of traffic control and police supervision. Any unexpended portion of the aforesaid deposit shall be refunded to the licensee after no other sales of intoxicating occur as a result of the event. Any additional cost incurred, in excess of three hundred fifty dollars (\$350.00), shall be billed to the licensee and paid.

- 2. **For Profit** liquor by the drink for consumption on the premises where sold

There shall be a limited permit to sell liquor by the drink for consumption on the premises where sold for a for-profit entity at a picnic, bazaar, fair or other special event gathering. Such permit shall only be issued for the day or days specified and **shall not be for more than seven (7) days per fiscal year.**

For such a permit, the licensee shall pay one hundred fifty dollars (\$150.00)
And make a deposit in the amount of three hundred fifty dollars (\$350.00)

Which represents approximately eight (8) man hours of traffic control and police supervision. Any unexpended portion of the aforesaid deposit shall be refunded to the licensee after no other sales of intoxicating occur as a result of the event. Any additional cost incurred, in excess of three hundred fifty dollars (\$350.00), shall be billed to the licensee and paid.

****License Fees and Deposit Fees shall be submitted in two separate payments**

Business Name Crestwood Sunset Hills Chamber of Commerce
Address of business 9058A WATSON RD, CRESTWOOD
State MO Zip Code 63126 Phone No. 314-843-8545
E-MAIL ADDRESS DIRECTION@CHAMBER.COM

pd

Applicant hereby agrees that if a permit or license is granted upon this application, that applicant or any officer, agent, employee or servant of applicant will not violate any provision of the ordinances of the City of Sunset Hills or any law of the State of Missouri while in or upon the premises of the applicant herein described, nor allow any other person so to do.

Applicant hereby agrees that if the applicant or any of the officers, agents, servants or employees of the applicant shall violate any of the provisions of said ordinances, or the Act of the General Assembly of the State of Missouri, under the authority of which said ordinances were adopted, or any other law of the State of Missouri or ordinance of the City of Sunset Hills, Missouri, relating to the regulation, control, sale, manufacture, possession, transportation or distribution of intoxicating liquor, or fails to obtain and at all times have a license from the State Supervisor of Liquor Control of Missouri, or shall have made or there shall have been made in applicant's behalf a false affidavit in applying for this license, the Board of Aldermen of the City of Sunset Hills may revoke any permit or license issued upon this application in the manner now or hereafter provided by ordinance

Applicant states with reference to ownership of the business that:

a) The owner(s) of the business to be carried on at the location referred to herein is (are)

JASON HEUTEL

whose phone number(s) is are 314-467-1230

b) If a partnership, the names of all partners _____

c) If a corporation, the names of all principal officers _____

The registered agent's name and address are _____

The person signing this application is the applicant or the _____

of applicant and has power and authority to make this application and affidavit.

Number of days requested for temporary liquor license 1

Location where temporary sales are to be made 11700 Grandview Rd

Hours of operation 3:00 pm - 11:00 pm

Missouri Sales Tax ID# NOT APPLICABLE

Missouri Secretary of State registration # _____

Applicant hereby states that: No permit issued by the City of Sunset Hills, Missouri, or by the Supervisor of Liquor Control of the State of Missouri under the Acts of the General Assembly of Missouri has been revoked or suspended.

That affiant, or manager in charge of the business in Sunset Hills, Missouri, has not been convicted, since the ratification of the 21st Amendment of the Constitution of the United States, or a violation of the provisions of any law applicable to the manufacture or sale of intoxicating liquor and the applicant does not employ or has not employed in his business any person whose license has been revoked or who has been convicted of violating the provisions of any such law since the date afore-said.

That affiant, or manager in charge of the business in Sunset Hills, Missouri, has not been convicted of any misdemeanor or felony under the laws of the United States, the State of Missouri, or any other state.

That applicant, or applicant's agents and employees, will not violate any law of the State of Missouri, or ordinance of the City of Sunset Hills, nor allow any other person to violate any law in this State or City while in or upon the premises herein; applicant(s) acknowledges that he (it, they) is (are) familiar with the ordinances of the City of Sunset Hills regulating the sale of liquor.

JOHN X. BELANGER
Applicant's Name (printed or typed)

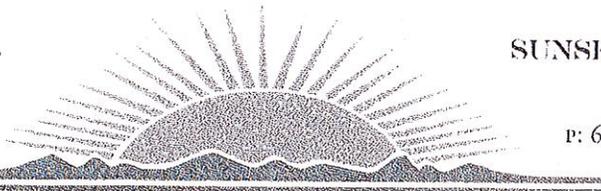

Applicant's Signature

Subscribed and sworn before me, _____

City Clerk's Signature

Date of Aldermanic approval:

SUNSET AUTO COMPANY, INC.
11700 Gravois Road
Saint Louis, Missouri 63127
P: 314-843-4431 • F: 314-467-1266



SUNSET FORD OF WATERLOO
1425 North Illinois Route 3
Waterloo, Illinois 62298
P: 618-939-6171 • F: 618-939-6866

WWW.SUNSET-FORD.COM

7/25/16

The Sunset Hills/Crestwood Chamber of Commerce and the Route 66 Car Festival has permission from Sunset Ford on August 13th, 2016 to sell alcohol from 3pm to 11pm.

Thank you,

A handwritten signature in black ink that reads "James K. Heutel".

James K. Heutel

President

314-467-1230 Office

Sunset Auto Co Inc.

11700 Gravois Rd.

St Louis Mo. 63127

Since 1912

Don't Close the Deal 'til Sunset
"Established in 1912"



CITY OF SUNSET HILLS
3939 SOUTH LINDBERGH BOULEVARD
SUNSET HILLS, MISSOURI 63127
Phone 314-849-3400 + Fax 314-849-8110 + www.sunset-hills.com

APPLICANT IS NOT
PERMITTED TO OPERATE
UNTIL LICENSE IS ISSUED

Filing Fee _____
Classification _____

APPLICATION FOR LIQUOR LICENSE

The undersigned hereby makes application to the City of Sunset Hills Board of Aldermen for a license to sell:

Please check appropriate box below:

- 1. **Retail Liquor by the Drink:** Intoxicating liquors of all kinds, at retail, for consumption by the drink on the premises where sold. Four hundred and fifty dollars. **(\$450.00)**
- 2. **Restaurant/Bar:** Retail Liquor by the drink and Sunday Sales of Intoxicating liquors of all kinds, at retail, for consumption by the drink on the premises where sold. Four hundred and fifty dollars. **(\$450.00)**
- 3. **Original Package Liquor:** Intoxicating liquor in original package, not for consumption on premises where sold. One hundred and fifty dollars. **(\$150.00)**
- 4. **Sunday Original Package Liquor:** Sunday sale of original package liquor. Three hundred dollars. **(\$300)**
- 5. **3.2% Beer by the Drink:** 3.2% beer for consumption on premises where sold. Thirty seven dollars and fifty cents. **(\$37.50)**
- 6. **5% Beer and 14% Light Wine by the Drink:** 5% Beer and 14% Light Wine, at retail, for consumption by the drink on the premises where sold. Two hundred and fifty dollars. **(\$250.00)**
- 7. **Original Package 3.2% Beer:** 3.2 % beer in original package, not for consumption on premises where sold. Twenty two dollars and fifty cents. **(\$22.50)**
- 8. **Original Package 5%:** Original package five percent 5% beer. One hundred and fifty dollars. **(\$150)**
- 9. **Original Package 5% Beer and 14% Light Wine:** Original package five percent 5% beer and 14% Light Wine, not for consumption on premises where sold. One hundred and fifty dollars. **(\$150)**
- 10. **Original Package Tasting:** Wine tasting, original package. Thirty seven dollars and fifty cents. **(\$37.50)**
- 11. **3.2% Solicitor:** Sale to licensed wholesaler and soliciting orders for sale 3.2% beer. Seventy five dollars. **(\$75.00)**
- 12. **3.2% Wholesale:** Sale of 3.2% beer by distributor or wholesaler, other than manufacturer or brewer. Seventy five dollars. **(\$75.00)**
- 13. **3.2% Manufacturer:** Manufacture or brewing of 3.2% beer. Three hundred and seventy five dollars. **(\$375.00)**

And, in support of such application, hereby submits the following information which the undersigned represents to be true.

Business Name WALLIS PETROLEUM #513

Address of business 10743 WATSON ROAD SUNSET HILLS

State MO Zip Code 63127 Phone No. 314-822-3855

E-MAIL ADDRESS apgroup@mail.wallisco.com

Applicant hereby agrees that if a permit or license is granted upon this application, that applicant or any officer, agent, employee or servant of applicant will not violate any provision of the ordinances of the City of Sunset Hills or any law of the State of Missouri while in or upon the premises of the applicant herein described, nor allow any other person so to do.

Applicant hereby agrees that if the applicant or any of the officers, agents, servants or employees of the applicant shall violate any of the provisions of said ordinances, or the Act of the General Assembly of the State of Missouri, under the authority of which said ordinances were adopted, or any other law of the State of Missouri or ordinance of the City of Sunset Hills, Missouri, relating to the regulation, control, sale, manufacture, possession, transportation or distribution of intoxicating liquor, or fails to obtain and at all times have a license from the State Supervisor of Liquor Control of Missouri, or shall have made or there shall have been made in applicant's behalf a false affidavit in applying for this license, the Board of Aldermen of the City of Sunset Hills may revoke any permit or license issued upon this application in the manner now or hereafter provided by ordinance.

Applicant states with reference to ownership of the business that:

a) The owner(s) of the business to be carried on at the location referred to herein is (are)

WALLIS PETROLEUM, LC

whose phone number(s) is are 573-885-2277

b) If a partnership, the names of all partners _____

c) If a corporation, the names of all principal officers _____

The registered agent's name and address are _____

The person signing this application is the applicant or the _____

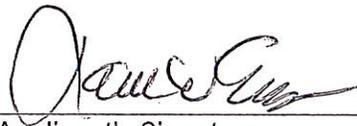
of applicant and has power and authority to make this application and affidavit.

Applicant hereby states that: No permit issued by the City of Sunset Hills, Missouri, or by the Supervisor of Liquor Control of the State of Missouri under the Acts of the General Assembly of Missouri has been revoked or suspended.

That affiant, or manager in charge of the business in Sunset Hills, Missouri, has not been convicted, since the ratification of the 21st Amendment of the Constitution of the United States, or a violation of the provisions of any law applicable to the manufacture or sale of intoxicating liquor and the applicant does not employ or has not employed in his business any person whose license has been revoked or who has been convicted of violating the provisions of any such law since the date afore-said.

That affiant, or manager in charge of the business in Sunset Hills, Missouri, has not been convicted of any misdemeanor or felony under the laws of the United States, the State of Missouri, or any other state.

That applicant, or applicant's agents and employees, will not violate any law of the State of Missouri, or ordinance of the City of Sunset Hills, nor allow any other person to violate any law in this State or City while in or upon the premises herein; applicant(s) acknowledges that he (it, they) is (are) familiar with the ordinances of the City of Sunset Hills regulating the sale of liquor.

Ronald Willis Anderson 
Applicant's Name (printed or typed) Applicant's Signature

Subscribed and sworn before me, _____

City Clerk's Signature

Date of Aldermanic approval:

PUBLIC HEARING NOTICE

NOTICE IS HEREBY GIVEN THAT AT 7:00 P.M. ON TUESDAY, AUGUST 9, 2016, A PUBLIC HEARING WILL BE HELD BY THE BOARD OF ALDERMEN IN THE ROBERT C. JONES CHAMBERS OF CITY HALL, 3939 S. LINDBERGH BOULEVARD, SUNSET HILLS, MISSOURI. THE BOARD WILL CONSIDER AN AMENDED DEVELOPMENT PLAN, SUBMITTED BY MICHAEL AX OF FRED WEBER REINFORCED CONCRETE PRODUCTS, TO ALLOW THE DEMOLITION OF AN EXISTING STRUCTURE AND PLACEMENT OF A TEMPORARY OFFICE AT 12950 GRAVOIS ROAD. ANYONE INTERESTED IN THE PROCEEDINGS WILL BE GIVEN AN OPPORTUNITY TO BE HEARD. FURTHER INFORMATION ON THIS PROPOSAL IS AVAILABLE AT CITY HALL, 3939 S. LINDBERGH BLVD. IN THE PUBLIC WORKS DEPARTMENT OR BY CALLING 314-849-3400.

BOARD OF ALDERMEN
CITY OF SUNSET HILLS, MO
BY: LORI STONE
DEPUTY CITY CLERK

P-19-16

PUBLIC HEARING NOTICE

NOTICE IS HEREBY GIVEN THAT AT 7:00 P.M. ON TUESDAY, AUGUST 9, 2016, A PUBLIC HEARING WILL BE HELD BY THE BOARD OF ALDERMEN IN THE ROBERT C. JONES CHAMBERS OF CITY HALL, 3939 S. LINDBERGH BOULEVARD, SUNSET HILLS, MISSOURI. THE BOARD WILL CONSIDER AN AMENDMENT TO APPENDIX B, SECTION 10.5 NON-CONFORMING SITUATIONS, DAMAGE OR SUBSTANDARD CONDITIONS TO ALLOW RESTORATION TO CONDOMINIUMS DEVELOPED UNDER CHAPTER 448 RSMO ET SEQ. ANYONE INTERESTED IN THE PROCEEDINGS WILL BE GIVEN AN OPPORTUNITY TO BE HEARD. FURTHER INFORMATION ON THIS PROPOSAL IS AVAILABLE AT CITY HALL, 3939 S. LINDBERGH BLVD. IN THE PUBLIC WORKS DEPARTMENT OR BY CALLING 314-849-3400.

BOARD OF ALDERMEN
CITY OF SUNSET HILLS, MO
BY: LORI STONE
DEPUTY CITY CLERK

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO SOUTH LINDBERGH LLC FOR OPERATION OF A JIMMY JOHNS RESTAURANT WITH A DRIVE THRU AT 3751 S. LINDBERGH BOULEVARD.

WHEREAS, a petition was received from South Lindbergh LLC for operation of a Jimmy Johns restaurant with a drive thru at 3730 S. Lindbergh Boulevard; and

WHEREAS, said petition was duly referred to the Planning and Zoning Commission for its investigation and report; and

WHEREAS, public notice of a meeting of the Planning and Zoning Commission upon said petition was posted according to law and ordinance; and

WHEREAS, a meeting was held before the Planning and Zoning Commission on April 6, 2016, upon said petition; and

WHEREAS, the Planning and Zoning Commission has submitted its report recommending approval to the Board of Aldermen; and

WHEREAS, a public hearing was scheduled before the Board of Aldermen on May 10, 2016, in accordance with the Zoning Regulations, Appendix B of the Code of Ordinances.

Based on the entire record of this application, being the evidence presented at the public hearing and the exhibits submitted at such hearing, the Board of Aldermen of the City of Sunset Hills makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. The proposed site is zoned "C-1" Commercial.
2. The Conditional Use Permit Application requests the right to operate a Jimmy Johns restaurant with a drive thru in a building at 3751 S. Lindbergh Boulevard.
3. The Planning and Zoning Commission has recommended that the Conditional Use Permit be approved.
4. The provisions of Appendix B-Zoning Regulations of the Code of Ordinances, Sec. 7.3 require the Board of Aldermen to determine after hearing whether or not such conditional use will:

- (A) Substantially increase traffic hazards or congestion
- (B) Substantially increase fire hazards.
- (C) Adversely affect the character of the neighborhood.
- (D) Adversely affect the general welfare of the community.
- (E) Overtax public utilities
- (F) Conflict with standards contained in Subsections 7.3-2 and 7.3-3
- (G) Conflict with the goals and objectives or proposed land use in the

Comprehensive Plan.

In this regard, the Board of Alderman finds that the proposed conditional use will not:

- (A) SUBSTANTIALLY INCREASE TRAFFIC HAZARDS OR
CONGESTION
- (B) SUBSTANTIALLY INCREASE FIRE HAZARDS.
- (C) ADVERSELY AFFECT THE CHARACTER OF THE
NEIGHBORHOOD.
- (D) ADVERSELY AFFECT THE GENERAL WELFARE OF THE
COMMUNITY.
- (E) OVERTAX PUBLIC UTILITIES
- (F) CONFLICT WITH STANDARDS CONTAINED IN SUBSECTIONS
7.3-2 AND 7.3-3 OF THE CODE OR ORDINANCES.
- (G) CONFLICT WITH THE GOALS AND OBJECTIVES OR PROPOSED
LAND USE IN THE COMPREHENSIVE PLAN.

CONCLUSIONS OF LAW

The Board of Aldermen concludes that, based upon the facts found herein and the findings of the Board that the standards for the issuance of Conditional Use permits as set forth in Sec. 7.3 of the Zoning Regulations Code of Ordinances are not violated, a Conditional Use Permit shall issue to Petitioner herein as requested.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SUNSET HILLS, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. A conditional use permit, subject to the conditions hereinafter specifically set forth, is hereby granted to South Lindbergh LLC, to use the premises in the City of Sunset Hills, Missouri, known as 3751 S. Lindbergh Boulevard for operation of a Jimmy Johns restaurant with a drive thru, as is made and provided for in the zoning regulations, Appendix B of the Code of Ordinances.

Section 2. The conditional use permit hereby issued, and referred to in Section 1, is issued to the named permittee only and shall not be assigned or transferred, except by permission of the City of Sunset Hills in accordance with Section 7.4-5.

Section 3. The conditional use permit hereby issued and referred to in Section 1, shall be valid only if the following conditions are observed by permittee:

None.

Section 4. This Ordinance shall take effect and be in full force from and after its passage and approval.

PASSED this _____ day of _____, 2016 _____
MAYOR

APPROVED this _____ day of _____, 2016 _____
MAYOR

ATTEST: _____
DEPUTY CITY CLERK

July 18, 2016

Mayor and Board of Aldermen
City of Sunset Hills
3939 S Lindbergh Blvd
Sunset Hills, MO 63127

RE: Jimmy John's CUP

Honorable Mayor and Board Members,

Given the proceedings thus far, I want to communicate my position to the entire board prior to your next work session, at which time I have requested this matter be taken up for consideration.

Since December of 2015, I have approached my neighbors on Sunset Chase Ct on four occasions to share copies of my plan and discuss with them any matters of importance. In lieu of knocking on doors unsolicited, I requested that Messrs. Courtois and Wideman share my plans with anyone whom they believed would have an interest and give them my business card. I stated that I would meet in any private or group setting in anyone's home or that I would secure a meeting room at the City's community center to accommodate a larger, more public setting. To date, other than the private meeting of June 20 at Alderman Gau's recommendation, and an email from Alderman Baebler recommending I pull my petition, I have received no communication from any neighbors or their attorneys, save their comments at the public hearings.

After revising a plan several times at my own discretion, to present what I believed to be a more favorable option for the neighborhood, I was asked to consider additional modifications as offered by Alderman Gau. To his credit, and without demand, he asked that both sides meet privately to discuss. Although I didn't deem these recommendations to be a requirement for approval, I agreed to meet and consider the additional time and expense to implement the changes. I have received no communication from the neighbors or their attorneys as to whether or not these considerations would gain their favor. I have no further inclination to essentially negotiate against myself.

I ask that as you consider our petition, you remain cognizant of the following:

1. As part of our required submittal, we had the City's recommended independent traffic engineer perform a traffic study. The report, which meets typical traffic safety standards, has been submitted to the board.
2. Intensity of use (ie: # of businesses using the property) was stated as a criticism of our plan. We are proposing three tenants in less than 9,000 sf, while the property at which I am currently a tenant (Sunset Place) contains 9 tenants in 16,712 sf.
3. Sunset Place is a planned commercial district in which the ordinance governing the standards of use of the property was created specifically for that property. Yet

the CUP for my Jimmy John's, which is 200 yards down the street from the Subject Property, was approved with no public input in a unanimous vote of the board.

4. Our goal is to relocate our business of 11 years into a new facility with a drive thru to help us remain competitive. The drive thru will help us maintain sales consistency throughout the year, especially during inclement weather.
5. Drive thrus such as McDonalds may serve as many as 80 cars an hour, while at my other drive thru, at a much busier location, we serve fewer than that over the course of an entire business day.
6. 75% of our business traffic occurs between 11 am and 2 pm, which is well outside the heavy rush hour traffic in the early mornings and evenings.
7. We have had no driver involved auto accidents over 11 years in as many as five locations, and to our knowledge, zero customer related accidents.
8. I have indicated my willingness for the board to limit my hours of operation to close as early as 9 pm.
9. I have also indicated my willingness for the board to limit this CUP request to my business or business type specifically.

The City's Procedure and Standards for Consideration of a Conditional Use states that "The board shall not approve any conditional use which they determine to:"

1. "Substantially increase traffic hazards or congestion." Our traffic study substantiates that we meet this standard. MODOT has also given their approval.
2. "Substantially increase fire hazards." The fire department has approved our concept plan.
3. "Adversely affect the character of the neighborhood."
 - a. We are currently operating in the neighborhood and have been for nearly 11 years.
 - b. Our property has been zoned C-1 for at least 40 years, and at one time was a gas service station.
 - c. Retail and restaurant uses occupy the only commercially zoned property to our south and four of the commercially zoned properties to our north. All but one of those same five properties have had CUPs approved for either restaurants (of which there are three) or drive thru facilities (of which there are two). The most recent was approved for a much larger restaurant which has a liquor license, outdoor seating with a lighted bier garden and will be open until 1 am. All their improvements are separated from the neighbors by a six foot wooden fence and very limited landscaping.
4. "Adversely affect the general welfare of the community." This is clearly ambiguous, but, I would point to those clearly defined criteria mentioned previously and subsequently. I am taking a previously blighted, non-tax revenue producing commercial property, and entirely at my own expense, am improving it.
5. "Overtax public utilities." We are simple retail with normal use of public utilities, similar to all the surrounding small box retail.
6. "Conflict with standards contained in Subsections 7.3-2 and 7.3-3." We have met all submission criteria and have obtained the approval of the Planning and Zoning Commission.

7. "Conflict with the goals and objectives of proposed land use in the comprehensive plan." Staff has verified that our uses are congruent with the city's comprehensive plan.

Given the existence of Mellow Mushroom, Gianino's and Tokyo Sushi, all of which gained the board's approval of a CUP to operate restaurants, and BMO Harris Bank and the now closed dry cleaners, both of which gained the board's approval of a CUP to operate drive thru facilities, the expectations and standards to which it appears my proposal is being held seem arbitrary, onerous and prejudicial.

When I purchased the property, I was excited and eager to move forward with a premier building project that I believed the city would welcome. I would be replacing chronically vacant, dated buildings on an unkempt property with attractive full masonry ones built to today's highest standards and filled with tenants that provide the community with attractive products, services and employment opportunities. Furthermore, I have been a good corporate citizen and have operated a model business in this community for over a decade.

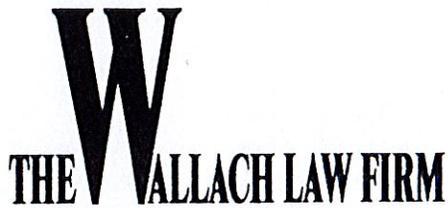
I came before you with no attorneys, only a vision to develop a first class project. However, I've been met with neighborhood resistance from the beginning. Now I ask each of you to carefully review my proposal, which has met all various governmental requirements and hold me to the same standards as those used to approve adjacent projects of our business neighbors.

Thank you very much for your time and consideration and I would invite any board member or resident with whom they are in consult to please contact me with any questions or comments.

In fairness and objectivity, I request my proposal be considered at the work session of July 26.

Regards,

Steve Saladin
314-503-5045
South Lindbergh, LLC
Jimmy John's Gourmet Sandwiches



JEROME WALLACH AND ASSOC., P.C.
ATTORNEYS AT LAW

RECEIVED
JUL 25 2016
CITY OF SUNSET HILLS

1068 SOUTH WOODS MILL ROAD
TOWN & COUNTRY, MISSOURI 63017
314-997-4050
FAX 314-997-3805

STANLEY J. WALLACH*
swallach@wallachlawfirm.com

*Also Licensed In California

July 21, 2016

Mayor and Board of Aldermen
City of Sunset Hills
3939 S. Lindbergh Blvd.
Sunset Hills, MO 63127

Re: P-02-16 Petition of South Lindbergh LLC for a Conditional Use Permit for a Restaurant with a Drive Through (Jimmy John's) at 3751 South Lindbergh Blvd.

Dear Mayor and Members of the Board:

The developer, South Lindbergh, LLC, recently wrote to you in support of its request for approval of its proposed commercial development at 3751 South Lindbergh Blvd. The proposal is for a three use development – a Jimmy John's with a drive through, an urgent care medical facility, and a retail store. The proposal would be the first fast food drive through south of Rott Road, and the only fast food drive through in Sunset Hills allowed to back up to single family residential properties.

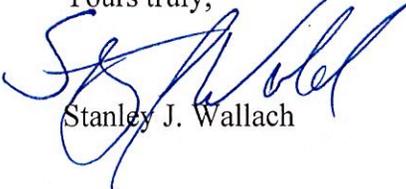
The developer correctly states that the residents and their attorney met with him. While the parties met in good faith, no resolution was achieved. The residents were willing to consider compromises on landscaping, buffering, and the intensity of the development. The developer was unwilling to compromise on the biggest issue – the drive through. The fast food drive through does not fit the neighborhood. The Board should deny the developer's proposal.

The residents remain steadfast in their belief that the drive through is out of character with the neighborhood. The current design would have a drive through lane running along residents' back yard fence line. The design has insufficient buffers between the proposed intense commercial development and residential properties. The developer's plan is to cut down the mature trees at the back of the lot, eliminating the existing buffer. This is at odds with the spirit and intent of the Tree Preservation Policy found in the Sunset Hills Municipal Code. The residents have serious concerns about the traffic that will be generated if this development is

allowed. As previously discussed, the traffic study relied on by the developer is based on the assumption that drivers will break the law going into and out of the development. This is at odds with sound planning and public safety.

For these reasons, and for those previously submitted by and on behalf of the residents, we respectfully request that this matter be called for a vote at the next regular Board meeting and voted down.

Yours truly,

A handwritten signature in blue ink, appearing to read 'S. J. Wallach', written in a cursive style.

Stanley J. Wallach

BILL NO. 10

1ST READING 6-14-16

ORDINANCE NO. _____

2ND READING 7-12-16

AN ORDINANCE REGARDING OPEN MEETINGS AND RECORDS POLICY

WHEREAS, the Board of Aldermen ("Board") of the City of Sunset Hills, State of Missouri ("City") finds and declares that there is reason to believe that it needs to amend the Ordinance regarding open meetings and records policy;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SUNSET HILLS, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. Article II, Division 2 of the Code of Ordinances shall be amended by adding new Sections 2-34 and 2-35 as follows:

Sec. 2-34. Journal of Minutes and Record of Voting.

A journal or minutes of open and closed meetings shall be taken and retained by the public governmental body, including but not limited to a record of any votes taken at such meetings. The minutes shall include the date, time, place, members present, members absent and a record of any votes taken. When a roll call vote is taken, the minutes shall attribute each "yea" and "nay" or abstinence if not voting to the name of the individual member of the public governmental body. Any votes taken during a closed meeting shall be taken by roll call. All public meetings shall be open to the public and public votes and public records shall be open to the public for inspection and duplication. Except as otherwise provided in Section 2-35, all votes taken by roll call in meetings of the Board shall be cast by members of the Board who are physically present and in attendance at the meeting. When it is necessary to take votes by roll call in a meeting of the Board, due to an emergency of the public body, with a quorum of the members physically present and in attendance and less than a quorum of the members participating via telephone, facsimile, Internet, or any other voice or electronic means other than video conference pursuant to Section 2-35, the nature of the emergency of the public body justifying that departure from the normal requirements shall be stated in the minutes. Where such emergency exists, the votes taken shall be regarded as if all members were physically present and in attendance at the meeting.

Sec. 2-35.

A. *Policy Statement.* While it is legally permissible for members of the City's public governmental bodies to attend meetings and vote via videoconference transmission, a member's use of videoconference attendance should occur only sparingly. Because it is good public policy for citizens to have the opportunity to meet with their elected officials face to face, elected members of a public governmental body should endeavor to be physically present at all meetings. The primary purpose of attendance by videoconference connection should be to accommodate the public governmental body as a whole to allow meetings to occur when circumstances would otherwise prevent the physical attendance of a quorum of the body's

members. A secondary purpose of attendance by videoconference should be to ensure that all members may participate in business of the public governmental body that is emergency or highly important in nature and arose quickly so as to make attendance at a regular meeting practically impossible. Except in emergency situations, all reasonable efforts should be expended to ensure that a quorum of the members of the public governmental body be physically present at the normal meeting place of the body.

B. *Videoconference Defined.* For purposes of this Section, "videoconference" or "videoconferencing" shall refer to a means of communication where at least one (1) member of a public governmental body participates in the public meeting via an electronic connection made up of three (3) components: (1) a live video transmission of the member of the public governmental body not in physical attendance; (2) a live audio transmission allowing the member of the public governmental body not in physical attendance to be heard by those in physical attendance; and (3) a live audio transmission allowing the member of the public governmental body not in physical attendance to hear those in physical attendance at a meeting. If at any time during a meeting one (1) or more of the elements of a videoconference becomes compromised (e.g., if any participants are unable to see, hear, or fully communicate), then the videoconference participant is deemed absent, and this absence should be reflected in the minutes.

C. *Frequency of Use of Videoconference Attendance.* Unless otherwise approved by the members in physical attendance at a meeting, a member of a public governmental body shall not attend more than three (3) meetings via videoconference in a rolling twelve-month period. Attendance via videoconference should only occur sparingly and for good cause. Such good cause shall include reasons such as serious illness or injury of the member or a member of his or her immediate family, including father or mother, spouse, sibling, child, or grandchild.

D. *Physical Location.* The City shall provide at the posted physical meeting location communication equipment consisting of an audio and visual display, and a camera and microphone so that the member(s) participating via videoconferencing, the members of the public governmental body in physical attendance, and the public in physical attendance may actively participate in the meeting in accordance with rules of meeting decorum. The communication equipment at the physical location of the meeting should allow for all meeting attendees to see, hear, and fully communicate with the videoconferencing participant.

E. *Voting.* Members of a public governmental body attending a public meeting of that body via videoconference are deemed present for purposes of participating in a roll call vote to the same effect as elected members of a public governmental body in physical attendance at a public meeting of that governmental body are deemed present. If any component of the videoconference communication fails during the meeting, the member attending the meeting by videoconference whose connection failed shall be deemed absent immediately upon such failure. If the public governmental body was in the act of voting, the voting shall stop until all of the components of videoconference attendance are again restored and the videoconference participant's presence is again noted in the minutes, or the member is determined to be absent.

F. *Closed Meetings.* In a meeting where a member of a public governmental body is participating via videoconferencing and the meeting goes into a closed session, all provisions of Missouri law and City ordinances relating to closed sessions apply. Upon the public governmental body's vote to close the meeting, all members of the general public shall not be present. Likewise, a member of a public governmental body participating via videoconferencing must ensure there are no members of the public present at his or her location to see, hear, or otherwise communicate during the closed session. The member must also take all reasonable precautions to guard against interception of communication by others.

G. *Minutes.* In any open or in closed session, the minutes taken should reflect the member, if any, participating via videoconference, the members in physical attendance, and members, if any, absent.

H. *Emergency Meetings and Quorum.* In addition to the provisions of Section 2-34, in the event that emergency circumstances prevent the members of a public governmental body to physically attend, the body may meet and vote by videoconference without the requirement that a quorum be physically present in the same place. Examples of such emergency circumstances include, but are not limited to, war, riot, terrorism, widespread fire, or natural disaster such as earthquake, tornado, hurricane, flood or blizzard. To the extent reasonably possible in such circumstances, the public governmental body shall use reasonable efforts to cause a physical location to be provided for public attendance and participation. The nature of the emergency shall be recorded in the minutes. If no emergency exists, a quorum of the public governmental body shall be physically present at the physical location for which notice of a meeting is provided.

Section 2. This Ordinance shall be in full force and effect from and after its passage by the Board and approval by the Mayor. Any ordinances inconsistent with this Ordinance are hereby repealed.

PASSED THIS _____ DAY OF _____, 2016.

MAYOR

APPROVED THIS _____ DAY OF _____, 2016.

MAYOR

ATTEST: _____
DEPUTY CITY CLERK

Fellow City Officials,

As the regime pushes forward with their agenda, with regards to videoconferencing, please see attached and keep in mind the following: Governor Nixon's veto of the proposed amendment to section 610.015 (voting via videoconferencing) was based on his concern "no limit is placed on the number of meetings a member could attend by videoconference. Nothing in the legislation would prevent officials from attending every meeting by videoconference."

The Missouri legislature nevertheless overrode the Governor's veto. As it stands, as a matter of state law, officials can vote via videoconferencing **WITHOUT LIMITATION**. You cannot prohibit voting by videoconferencing. Imposing frequency limits is prohibiting voting by videoconferencing.

The Missouri Municipal League's "sample" language captures the Governor's concern by inserting frequency limits. However, it does not take a lawyer to see that such frequency limits are in contravention to state law. Frequency limits are an attempt to re-write the law and should be rejected. If limitations are to be imposed, that is the job of the Missouri legislature. Imposing limitations specifically rejected by the state legislature is beyond the authority of Sunset Hills and certainly beyond the scope the Missouri Municipal League.

But Richmond Heights did it, so why can't we? Just because someone else does something without thought does not make it right. St. Louis County's "minimum police standards" ordinance is a good, recent example of legislative over-reaching by local government in "trying to do the right thing." The County thought minimum police standards was a good idea (it is) and would benefit the County (it would), but the County tried to exercise authority in contravention to state law. Here, like Governor Nixon, the majority of the Board of Aldermen apparently think frequency limitations are a good idea and would benefit the City. Even so, the Missouri legislature has specifically addressed this issue. If challenged, a videoconferencing ordinance with frequency limitations would be found in contravention to state law.

What is the limit on potential abuse or what would "prevent officials from attending every meeting by videoconference"? As Governor Nixon notes, "Nothing in this legislation..." We live in a democracy and you guys are "elected" officials. Dare I state the obvious: The practical "limit" is called an election.

Kind regards,
Keith A. Kostial
Alderman Ward 3



GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

JEREMIAH W. (JAY) NIXON
GOVERNOR

P.O. Box 720
(573) 751-3222

July 2, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Bill No. 170 entitled:

AN ACT

To repeal section 610.015, RSMo, and to enact in lieu thereof one new section relating to the participation by members of public governmental bodies in roll call votes.

I disapprove of Senate Bill No. 170. My reasons for disapproval are as follows:

Under current law, public governmental bodies comprised entirely of elected members must physically attend meetings in order to cast a vote on matters under consideration. Members may participate in the meetings "via phone, facsimile, Internet, or any other voice or electronic means" but they may not cast any votes unless the meeting is called due to an emergency. Existing law emphasizes the duty appropriately imposed on elected officials to physically attend meetings and should not be changed.

Senate Bill No. 170, the stated purpose of which is to increase the opportunity for full participation by elected officials through videoconferencing, does not include any safeguards to protect against abuses that would have the opposite result. Under the bill, any member of an elected governmental body may participate and vote in public meetings via videoconference without demonstrating good cause for doing so. While it may be understandable to provide this tool to accommodate the occasional scheduling conflict, no limit is placed on the number of meetings a member could attend by videoconference. Nothing in this legislation would prevent officials from attending every meeting via videoconference. In fact, the bill would not prohibit every member of an elected board from attending all meetings via videoconference.

The statutory requirement that members of elected boards be physically present to vote represents the paramount responsibility they have been entrusted with by the voters. This provides assurances that our elected officials are, at a minimum, approachable and available to their constituents at public meetings. It also ensures their active engagement in the topics at hand

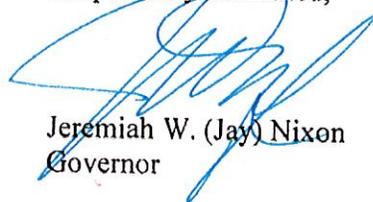
and provides an environment for open interaction and dialogue with colleagues, staff and the public in order to develop compromise and navigate difficult decisions.

Technology has bridged geographical gaps connecting citizens from all corners of our state to accomplish great work. But for local governmental bodies, the distances are quite short and easily navigated. Local government is designed to provide citizen representation that is close to home and readily accountable to its residents. Allowing attendance through videoconferencing places unnecessary and unwarranted 'virtual' distance between voters and their elected officials. Residents wishing to speak and interact with their elected officials would be forced to do so using video screens and broadband wires.

Serving in elected public office is a privilege and attending regularly scheduled public meetings is an important component of that service. Allowing elected members to join every public meeting by videoconference is not an acceptable proxy for responsible governance. Requiring elected members to be physically present is a small and reasonable obligation placed on office holders. Removing that requirement erodes this very basic level of engagement we must expect from our officials.

In accordance with the above stated reasons for disapproval, I am returning Senate Bill No. 170 without my approval.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jay Nixon", is written over the printed name and title.

Jeremiah W. (Jay) Nixon
Governor

July 5, 2016

Missouri Attorney General Chris Koster
Supreme Court Building
207 W. High Street
Jefferson City, MO 65101

Dear Attorney General Koster,

This letter is my formal request for an opinion of the law in my role as a representative of constituents who live within the boundaries of the 15th senatorial district.

My constituent, Keith Kostial, who currently serves as an alderman in a statutory fourth class city within my district, is seeking to clarify the legal right to attend and vote via video conference on any aldermanic and other governmental meetings that he is required to attend in his role as alderman.

Specifically, my request is to answer the question, "Whereas, 610.015, RSMo allows roll call votes to be cast by elected members of a public governmental body who are attending by video conferencing, with no limit upon the number of meetings that may be attended or votes that may be taken by video conferencing, and may a fourth class city enact an ordinance limiting the number of meetings an alderman may attend by video conferencing, and may a fourth class city enact an ordinance limiting the number of meetings an alderman may attend by video conferencing to a three in a 12-month period?"

I have attached background information on this request for your review.

Please let me know if you have any further questions, and what the timeline is in answering this request.

Thank you.

Yours truly,

A handwritten signature in black ink that reads "Eric S. Schmitt". The signature is written in a cursive, flowing style.

ERIC S. SCHMITT

Attchmts.

BILL NO. 10

ORDINANCE NO. _____

AN ORDINANCE REGARDING OPEN MEETINGS AND RECORDS POLICY

WHEREAS, the Board of Aldermen ("Board") of the City of Sunset Hills, State of Missouri ("City") finds and declares that there is reason to believe that it needs to amend the Ordinance regarding open meetings and records policy;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SUNSET HILLS, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. Article II, Division 2 of the Code of Ordinances shall be amended by adding new Sections 2-34 and 2-35 as follows:

Sec. 2-34. Journal of Minutes and Record of Voting.

A journal or minutes of open and closed meetings shall be taken and retained by the public governmental body, including but not limited to a record of any votes taken at such meetings. The minutes shall include the date, time, place, members present, members absent and a record of any votes taken. When a roll call vote is taken, the minutes shall attribute each "yea" and "nay" or abstinence if not voting to the name of the individual member of the public governmental body. Any votes taken during a closed meeting shall be taken by roll call. All public meetings shall be open to the public and public votes and public records shall be open to the public for inspection and duplication. Except as otherwise provided in Section 2-35, all votes taken by roll call in meetings of the Board shall be cast by members of the Board who are physically present and in attendance at the meeting. When it is necessary to take votes by roll call in a meeting of the Board, due to an emergency of the public body, with a quorum of the members physically present and in attendance and less than a quorum of the members participating via telephone, facsimile, Internet, or any other voice or electronic means other than video conference pursuant to Section 2-35, the nature of the emergency of the public body justifying that departure from the normal requirements shall be stated in the minutes. Where such emergency exists, the votes taken shall be regarded as if all members were physically present and in attendance at the meeting.

Sec. 2-35.

A. *Policy Statement.* While it is legally permissible for members of the City's public governmental bodies to attend meetings and vote via videoconference transmission, a member's use of videoconference attendance should occur only sparingly. Because it is good public policy for citizens to have the opportunity to meet with their elected officials face to face, elected members of a public governmental body should endeavor to be physically present at all meetings. The primary purpose of attendance by videoconference connection should be to accommodate the public governmental body as a whole to allow meetings to occur when circumstances would otherwise prevent the physical attendance of a quorum of the body's

members. A secondary purpose of attendance by videoconference should be to ensure that all members may participate in business of the public governmental body that is emergency or highly important in nature and arose quickly so as to make attendance at a regular meeting practically impossible. Except in emergency situations, all reasonable efforts should be expended to ensure that a quorum of the members of the public governmental body be physically present at the normal meeting place of the body. Except in emergency situations, all reasonable efforts should be made by a member to inform the Mayor and City Administrator at least two working days prior to the meeting of the member's intent to attend by videoconference connection.

B. *Videoconference Defined.* For purposes of this Section, "videoconference" or "videoconferencing" shall refer to a means of communication where at least one (1) member of a public governmental body participates in the public meeting via an electronic connection made up of three (3) components: (1) a live video transmission of the member of the public governmental body not in physical attendance; (2) a live audio transmission allowing the member of the public governmental body not in physical attendance to be heard by those in physical attendance; and (3) a live audio transmission allowing the member of the public governmental body not in physical attendance to hear those in physical attendance at a meeting. If at any time during a meeting one (1) or more of the elements of a videoconference becomes compromised (e.g., if any participants are unable to see, hear, or fully communicate), then the videoconference participant is deemed absent, and this absence should be reflected in the minutes.

C. *Frequency of Use of Videoconference Attendance.* Unless otherwise approved by the members in physical attendance at a meeting, a member of a public governmental body shall not attend more than three (3) meetings via videoconference in a rolling twelve-month period. Attendance via videoconference should only occur sparingly and for good cause. Such good cause shall include reasons such as serious illness or injury of the member or a member of his or her immediate family, including father or mother, spouse, sibling, child, or grandchild.

D. *Physical Location.* The City shall provide at the posted physical meeting location communication equipment consisting of an audio and visual display, and a camera and microphone so that the member(s) participating via videoconferencing, the members of the public governmental body in physical attendance, and the public in physical attendance may actively participate in the meeting in accordance with rules of meeting decorum. The communication equipment at the physical location of the meeting should allow for all meeting attendees to see, hear, and fully communicate with the videoconferencing participant.

E. *Voting.* Members of a public governmental body attending a public meeting of that body via videoconference are deemed present for purposes of participating in a roll call vote to the same effect as elected members of a public governmental body in physical attendance at a public meeting of that governmental body are deemed present. If any component of the videoconference communication fails during the meeting, the member attending the meeting by videoconference whose connection failed shall be deemed absent immediately upon such failure. If the public governmental body was in the act of voting, the voting shall stop until all of the

components of videoconference attendance are again restored and the videoconference participant's presence is again noted in the minutes, or the member is determined to be absent.

F. *Closed Meetings.* In a meeting where a member of a public governmental body is participating via videoconferencing and the meeting goes into a closed session, all provisions of Missouri law and City ordinances relating to closed sessions apply. Upon the public governmental body's vote to close the meeting, all members of the general public shall not be present. Likewise, a member of a public governmental body participating via videoconferencing must ensure there are no members of the public present at his or her location to see, hear, or otherwise communicate during the closed session. The member must also take all reasonable precautions to guard against interception of communication by others.

G. *Minutes.* In any open or in closed session, the minutes taken should reflect the member, if any, participating via videoconference, the members in physical attendance, and members, if any, absent.

H. *Emergency Meetings and Quorum.* In addition to the provisions of Section 2-34, in the event that emergency circumstances prevent the members of a public governmental body to physically attend, the body may meet and vote by videoconference without the requirement that a quorum be physically present in the same place. Examples of such emergency circumstances include, but are not limited to, war, riot, terrorism, widespread fire, or natural disaster such as earthquake, tornado, hurricane, flood or blizzard. To the extent reasonably possible in such circumstances, the public governmental body shall use reasonable efforts to cause a physical location to be provided for public attendance and participation. The nature of the emergency shall be recorded in the minutes. If no emergency exists, a quorum of the public governmental body shall be physically present at the physical location for which notice of a meeting is provided.

Section 2. This Ordinance shall be in full force and effect from and after its passage by the Board and approval by the Mayor. Any ordinances inconsistent with this Ordinance are hereby repealed.

PASSED THIS _____ DAY OF _____, 2016.

MAYOR

APPROVED THIS _____ DAY OF _____, 2016.

MAYOR

ATTEST:

|

DEPUTY-CITY CLERK/CITY ADMINISTRATOR

BILL NO. 10

ORDINANCE NO. _____

AN ORDINANCE REGARDING OPEN MEETINGS AND RECORDS POLICY

WHEREAS, the Board of Aldermen ("Board") of the City of Sunset Hills, State of Missouri ("City") finds and declares that there is reason to believe that it needs to amend the Ordinance regarding open meetings and records policy;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SUNSET HILLS, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. Article II, Division 2 of the Code of Ordinances shall be amended by adding new Sections 2-34 and 2-35 as follows:

Sec. 2-34. Journal of Minutes and Record of Voting.

A journal or minutes of open and closed meetings shall be taken and retained by the public governmental body, including but not limited to a record of any votes taken at such meetings. The minutes shall include the date, time, place, members present, members absent and a record of any votes taken. When a roll call vote is taken, the minutes shall attribute each "yea" and "nay" or abstinence if not voting to the name of the individual member of the public governmental body. Any votes taken during a closed meeting shall be taken by roll call. All public meetings shall be open to the public and public votes and public records shall be open to the public for inspection and duplication. Except as otherwise provided in Section 2-35, all votes taken by roll call in meetings of the Board shall be cast by members of the Board who are physically present and in attendance at the meeting. When it is necessary to take votes by roll call in a meeting of the Board, due to an emergency of the public body, with a quorum of the members physically present and in attendance and less than a quorum of the members participating via telephone, facsimile, Internet, or any other voice or electronic means other than video conference pursuant to Section 2-35, the nature of the emergency of the public body justifying that departure from the normal requirements shall be stated in the minutes. Where such emergency exists, the votes taken shall be regarded as if all members were physically present and in attendance at the meeting.

Sec. 2-35.

A. *Policy Statement.* While it is legally permissible for members of the City's public governmental bodies to attend meetings and vote via videoconference transmission, a member's use of videoconference attendance should occur only sparingly. Because it is good public policy for citizens to have the opportunity to meet with their elected officials face to face, elected members of a public governmental body should endeavor to be physically present at all

meetings. The primary purpose of attendance by videoconference connection should be to accommodate the public governmental body as a whole to allow meetings to occur when circumstances would otherwise prevent the physical attendance of a quorum of the body's members. A secondary purpose of attendance by videoconference should be to ensure that all members may participate in business of the public governmental body that is emergency or highly important in nature and arose quickly so as to make attendance at a regular meeting practically impossible. Except in emergency situations, all reasonable efforts should be expended to ensure that a quorum of the members of the public governmental body be physically present at the normal meeting place of the body. Except in emergency situations, all reasonable efforts should be made by a member to inform the Mayor and City Administrator at least two working days prior to the meeting of the member's intent to attend by videoconference connection.

B. *Videoconference Defined.* For purposes of this Section, "videoconference" or "videoconferencing" shall refer to a means of communication where at least one (1) member of a public governmental body participates in the public meeting via an electronic connection made up of three (3) components: (1) a live video transmission of the member of the public governmental body not in physical attendance; (2) a live audio transmission allowing the member of the public governmental body not in physical attendance to be heard by those in physical attendance; and (3) a live audio transmission allowing the member of the public governmental body not in physical attendance to hear those in physical attendance at a meeting. If at any time during a meeting one (1) or more of the elements of a videoconference becomes compromised (e.g., if any participants are unable to see, hear, or fully communicate), then the videoconference participant is deemed absent, and this absence should be reflected in the minutes.

C. *Frequency of Use of Videoconference Attendance.* Unless otherwise approved by the members in physical attendance at a meeting, a member of a public governmental body shall not attend more than three (3) meetings via videoconference in a rolling twelve-month period. Attendance via videoconference should only occur sparingly and for good cause. Such good cause shall include reasons such as serious illness or injury of the member or a member of his or her immediate family, including father or mother, spouse, sibling, child, or grandchild.

D. *Physical Location.* The City shall provide at the posted physical meeting location communication equipment consisting of an audio and visual display, and a camera and microphone so that the member(s) participating via videoconferencing, the members of the public governmental body in physical attendance, and the public in physical attendance may actively participate in the meeting in accordance with rules of meeting decorum. The communication equipment at the physical location of the meeting should allow for all meeting attendees to see, hear, and fully communicate with the videoconferencing participant.

E. *Voting.* Members of a public governmental body attending a public meeting of that body via videoconference are deemed present for purposes of participating in a roll call vote to the same effect as elected members of a public governmental body in physical attendance at a

public meeting of that governmental body are deemed present. If any component of the videoconference communication fails during the meeting, the member attending the meeting by videoconference whose connection failed shall be deemed absent immediately upon such failure. If the public governmental body was in the act of voting, the voting shall stop until all of the components of videoconference attendance are again restored and the videoconference participant's presence is again noted in the minutes, or the member is determined to be absent.

F. *Closed Meetings.* In a meeting where a member of a public governmental body is participating via videoconferencing and the meeting goes into a closed session, all provisions of Missouri law and City ordinances relating to closed sessions apply. Upon the public governmental body's vote to close the meeting, all members of the general public shall not be present. Likewise, a member of a public governmental body participating via videoconferencing must ensure there are no members of the public present at his or her location to see, hear, or otherwise communicate during the closed session. The member must also take all reasonable precautions to guard against interception of communication by others.

G. *Minutes.* In any open or in closed session, the minutes taken should reflect the member, if any, participating via videoconference, the members in physical attendance, and members, if any, absent.

H. *Emergency Meetings and Quorum.* In addition to the provisions of Section 2-34, in the event that emergency circumstances prevent the members of a public governmental body to physically attend, the body may meet and vote by videoconference without the requirement that a quorum be physically present in the same place. Examples of such emergency circumstances include, but are not limited to, war, riot, terrorism, widespread fire, or natural disaster such as earthquake, tornado, hurricane, flood or blizzard. To the extent reasonably possible in such circumstances, the public governmental body shall use reasonable efforts to cause a physical location to be provided for public attendance and participation. The nature of the emergency shall be recorded in the minutes. If no emergency exists, a quorum of the public governmental body shall be physically present at the physical location for which notice of a meeting is provided.

Section 2. This Ordinance shall be in full force and effect from and after its passage by the Board and approval by the Mayor. Any ordinances inconsistent with this Ordinance are hereby repealed.

PASSED THIS _____ DAY OF _____, 2016.

MAYOR

APPROVED THIS ____ DAY OF _____, 2016.

MAYOR

ATTEST:

CITY CLERK/CITY ADMINISTRATOR

1ST READING 6-14-16

BILL NO. 12 2ND READING 7-12-16

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE APPROVAL OF A SUBDIVISION PLAT FOR A LOT SPLIT OF THE PROPERTY AT 13 ROOSEVELT DRIVE AS PROVIDED IN APPENDIX A, SECTION 4 OF THE CODE OF ORDINANCES OF THE CITY OF SUNSET HILLS, MISSOURI.

WHEREAS, a plan has been received from Nancy Thias on behalf of Doris Thias for a lot split of the property at 13 Roosevelt Drive in the City of Sunset Hills.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SUNSET HILLS, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. The Subdivision Plat made a part hereof and attached hereto as Exhibit 1 for a lot split of the property at 13 Roosevelt Drive, as submitted to the Board of Aldermen, is hereby approved.

Section 2. The Mayor and City Clerk are authorized and directed to evidence the approval of said Subdivision Plat by affixing their signatures and the official seal of the City of Sunset Hills to a certification of approval upon the Subdivision Plat of the Lot split of 13 Roosevelt Drive, as submitted.

Section 3. The Subdivision Plat attached hereto as Exhibit 1 is hereby accepted for the development of the Lot split of 13 Roosevelt Drive, subject to the following conditions:

A. The existing residence shall be demolished before issuance of zoning approval for any building permit.

Section 4. This Ordinance shall take effect and be in full force from and after its passage and approval.

PASSED THIS _____ DAY OF _____, 2016.

MAYOR

APPROVED THIS _____ DAY OF _____, 2016.

MAYOR

ATTEST:

DEPUTY CITY CLERK

Letter to Sunset Hills and the Board of Alderman from Nancy Thias and Linda Sachs

Mayor Patricia Fribis

Board of Alderman

Our names are Nancy Thias and Linda Sachs representing the Thias family. We feel the need to clarify some issues that may seem somewhat clouded to some of you. We, Nancy and Linda, daughters of Mrs. Doris Thias have been granted Power of Attorney by Doris. The family has talked and discussed concerns and maintenance of 13 Roosevelt for some time and has determined that splitting the lot and selling a portion of it will be the best scenario for all parties involved. The house is in very much disrepair. We have been quoted a new roof alone will be approximately \$35,000 and that is not to mention the other repairs that are needed. The Thias family hold this property very dear to our hearts and have many memories that can be shared from when our father Edward Thias was alive and we all lived at 13 Roosevelt as a family. The history and nature of the property and the surroundings will be restored as much as possible as they all know how important that was to Mr. Thias. Not only that, we too enjoy the serenity the property offers.

To have Lori Scarlett insinuate that all of the trees are going to be torn down is absolutely absurd. We have worked diligently with our engineer to evaluate the trees and come up with a plan. Let us state that if the lot is left as it currently exists, every tree on the property could be removed according to Sunset Hills ordinance. BUT, if you split the lot and now have two new lots of record, that triggers a Tree Permit to be issued by the city before any trees or a tree canopy can be removed.

The bat issue that Lori Scarlett and Megan has brought up. Linda has spoken to Diane Monroe and we are willing to relocate the bats or build or purchase new bat houses on the existing property. Even though we do not believe we are required to do this, we've requested it to show good faith and good neighbor values.

The oil issue they are all concerned about. Nancy hired Future Environmental, Inc. to remove all the oil in the tank for a total of 70 gallons. It is only a 250 gallon tank, with still 70 gallons in the tank. We would say that there is not a leakage as they have accused us of. Again, another lie to defame our family.

The issue of purchasing the property, we have spoken to several real estate people and like anyone trying to sell their property and/or house, you have a dollar figure in your mind that you need or want for the property and/or house. If a person cannot pay that price or thinks that price is too high, then that person needs to move on and let the next person submit an offer. Which by the way an official offer was never submitted to the Thias family from the Scarletts or Megan. We understand that the Megan family came in and revamped the house across the street. Good for them! I'm assuming they obtained the property at a reasonable price to be able to revamp the house. We don't discredit them for that and may not agree with what they have done, but IT IS THEIR PROPERTY!

The neighbor, Lori Scarlett, took it upon herself to call the National Historical Registrar to have the house placed on the Historic Registrar. We have issues with that.

A. She does not own the property. And the approval process requires detailed photos that would need to come from the owner.

B. How did she get pictures of the property without trespassing onto our property to obtain them? You know with the vegetation being so thick between the houses (because that is what she is afraid of losing is her privacy) you would have to physically go on the property to take the pictures for submittal to the Historical Registrar. That is trespassing.

C. She did not consult with the family in doing this and I would think as owners of the property, you would want to know if something that drastic is about to happen on your property without your knowledge.

D. She did not ask our permission to be on our property.

E. When I Nancy called the Historic Registrar, Allison was somewhat surprised that. a. I was calling and b. that I identified myself as the owner. She stated the information she received indicated that Lori Scarlett is the owner. She later sent an e-mail indicating that she misread the information. Allison has indicated that this application had been withdrawn per my request due to the applicant not being the owner of the property.

This is wrong in every way! Would you want your neighbor to do this to you? And, what gives that neighbor the right to assert herself into your business to that level?

In my, Nancy's first lot split proposal, the house remained but the additions were to be removed, to meet the set backs and were the most problematic sections. It is common knowledge that a home is unlikely to be approved for the National Registrar with additions. The family would have applied for any tax credit possible, but the time frame to fix the house was too short. So the lot split was revised to demolish the house and resubmitted for approval. The house would have to be repaired with redwood from deforestation supplies. Any farmed redwood will not be available for 35 years and attempts to repair the house with cedar, have only been temporary due to the deep woods. Redwood has been an experimental material and has proven to be effective in wooded areas but very costly to repair and maintain.

The Thias family does not dictate to Lori Scarlett or Megan what birds or bats they need to be protecting on her property or what trees or shrubs she can cut down or keep or if her house is historical. When she purchased her house in 2006, she had to know based on the size and look of the house that it was a dramatically redesigned house. A ranch house that was turned into a two story with a lot of additions. No permits were issued for the remodel.

The Scarletts had trees removed on their property a few at a time without a tree analysis or tree permit. We only saw entire trees laying on the ground 3-4 at a time on their property during the winter months, but no firewood. Based on a satellite photo view, it is possible that many of the hardwood canopy trees were removed by the Scarletts, as well as trees on the Thias property without our permission. A further study will have to be made to determine if any of our trees were removed. The late fall drop of leaves and early bloom of the oak trees make it easily identifiable in Spring from a birds eye view. It is hard to determine the scope of this without further review.

This proposal has been done by the book of the Sunset Hills law. We are absolutely stunned at the level of spite our neighbors have asserted to stop this proposal. We could understand

if we were asking to rezone in smaller lot sizes for many houses to be built. Their reasons are strictly for their own benefit. They have no idea what our family history is and what our father had planned for the property before his death. Lori Scarlett purchased her house in 2006, our family has been there since 1957. Our father drew the first master land and zoning plan for the City. He was chairman of the Planning and Zoning commission after Sly Schmidt and they along with other members played an integral part in establishing zoning regulations that maintained the integrity and nature of Sunset Hills.

Our apologies for our brother that seems to have caused some concerns. The issues he raises are between us as a family and not for all the Board and staff to concern themselves with. His medical issues are private between us and I'm truly sorry that he has decided to make so much information public. The power of attorney that Doris Thias has given to us, Nancy and Linda Thias is a legal document and should be recognized as that.

The lot split that has been presented before you meet ALL of the Sunset Hills requirements in regards to the lot size and setback guidelines.

According to Appendix A, Section 4.2 - Lot Split. A lot split must meet the following criteria:

a. No additional improvements are required that would necessitate the posting of an escrow or bond.

No additional improvement are being proposed that would require a bond or escrow.

b. No provisions for common land are included in the proposal

There is no common land

c. The use of the lot split does not adversely affect the parcel or adjoining properties

The use is still single family residential which is what will be constructed on both lots.

d. The proposed lot split is not in conflict with any provisions of the zoning ordinance.

Sunset Hills Zoning Regulations have been met.

We will be applying for a demolition permit within the next couple of weeks to move forward with the removal of the house. We respectfully ask for a vote to be taken on Bill No. 12 at the August 9th Board of Aldermen meeting so we can move forward with our lives.

Please respect our mother and fathers design for our legacy.

Sent from Mail for Windows 10

Nancy Thias
8-1-16

Linda Sachs
8-1-16

City of Sunset Hills, Missouri

Public Works Department

MEMORANDUM

To: Mayor Pat Fribis
Board of Aldermen Members
Attorney Bob Jones

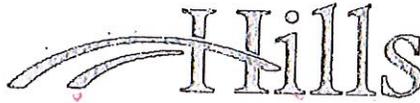
From: Bryson Baker, PE, Public Works Director / City Engineer

Date: June 14, 2016

Re: Lot split for 13 Roosevelt

Application P-15-16 for a lot split at 13 Roosevelt Drive, to create two (2) lots for the purpose of constructing two (2) new single family residences was heard by the Planning and Zoning Commission on May 4, 2016. The Commission has recommended approval with the condition that the existing residence is demolished prior to obtaining a permit for either new residence.

Upon further review by staff, it has been determined that in order to be in compliance with setback requirements, the existing residence must be demolished prior to recording the lot split. Therefore, we are suggesting the Board's motion include the condition that the existing residence be demolished prior to the lot split plat being recorded.



3939 S. Lindbergh Blvd.
314-849-3400

FILE NO. P-15-16
DATE 4-13-16
FEE 35

LOT SPLIT

- 1. Applicant's Name NANCY THIAS
- 2. Mailing Address 1660 IVY CHASE LANE Phone 636 579-1344
- 3. Agent's Name and Address _____
(If different than Applicant)
- 4. Property Owner's Name DORIS THIAS
- 5. Address of Property 13 ROOSEVELT DRIVE
- 6. Area of Property 2.07 ACRES
- 7. Existing Zoning R-2
- 8. Name of Subdivision SUNSET TERRACE
- 9. Number of Parcels Proposed 2
- 10. Remarks and Reasons CONSTRUCT 2 NEW HOMES

- 11. Legal Description (to be attached)
- 12. Scale Drawings of Property showing proposed Lot Split (to be attached)
- 13. Fee: \$25.00

I hereby state that I have read all applicable sections of the Zoning and Subdivision Ordinances of the City of Sunset Hills and can comply with all requirements of those regulations. I also certify that all statements made on this application are true and that I have a legal right to make this application.

Signature: 

P-15-16

Title: Lot Split by Nancy Thias to divide the property into two (2) parcels and build two (2) new single family residences at 13 Roosevelt Drive.

Petitioner: Nancy Thias
1660 Ivy Chase Lane
Fenton, Missouri 63026

Agent: Gary Ploesser, St Louis County Surveying & Engineering, Inc
12015 Manchester Road, Suite 70
St Louis, Missouri 63131

Owner: Edward & Doris Thias
1660 Ivy Chase Lane
Fenton, Missouri 63026

Date: May 2016



Proposed lot split line is shown in red.

Summary:

This petition is for a lot split for the property located at 13 Roosevelt Drive. The property is located on the west side of Roosevelt Drive, approximately 1500 feet from South Lindbergh Boulevard. The property is currently zoned R-2, Single Family Residential, 20,000 square foot minimum lot size. The properties to the north and east are also zoned R-2. The properties to the south and west are zoned R-1, Single Family Residential, 1 acre minimum lot size.

Staff analysis:

The property currently consists of 2.07 acres with an existing residence that was constructed in 1957. The property is zoned R-2, Single Family Residential, 20,000 square foot minimum lot size and 80 foot minimum lot width.

The property owners wish to divide the property, tear down the existing residence and build two new residences. The lots would both be 85 feet wide and consist of .71 acres (30,728 square feet) and 1.37 acres (59,589 square feet).

The new residences would be required to meet the setbacks for the R-2 zoning district. For a residence, those setback requirements are 40 feet from the front property line, 10 feet from the side property lines and 30 feet from the rear property line.

All other requirements of Appendix A Subdivision Regulations, Section 4 Lot Split Procedures would be met by this proposal.

In February of this year, the petitioner applied for a lot split. At that time, she proposed to keep the existing residence on one of the lots. This Commission asked staff to visit the property and perform an inspection of the property. After that inspection, the petitioner withdrew the application. This application is also for a lot split, however, the existing residence is proposed to be demolished.

Demolition of the existing residence should be a condition on this petition.

P-15-16



Missouri American Water
727 Craig Road, Suite 201
St. Louis, MO 63141
amwater.com

January 22, 2016

St. Louis County Surveying and Engineering, Inc.
Attn: Gary Ploesser
12015 Manchester Road Suite 70
St. Louis, MO 63131

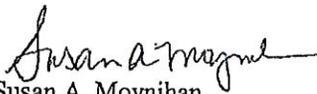
Re: Lot Split Sunset Terrace

Dear Gary:

This letter is to inform you that Missouri American Water Company has an existing 6 inch water main located on the north side of Roosevelt Drive that may be able to provide water service to the above mentioned Property. Both lots would have frontage to the existing 6 inch water main. This statement is conditioned on the premise that the domestic and fire flow requirements for this development do not exceed the quantity of water available in said 6 inch water mains. The existing water main ends at the end of your property at a point approximately 1099.5 feet west of the centerline of Matthews Lane. Water service can be obtained through the installation of a private service water line for each lot in your development.

Please be advised that you will need to contact the Operations Supervisor, Dave Brakensiek at 314.996.2466 or email dave.brakensiek@amwater.com for the required specifications concerning service line configuration, location, suitability and related meter box requirements or to discuss any other requirements for your project. If you do not contact the aforementioned Operations Supervisor concerning the service line requirements for your project, this may cause delays with the approval of your service line connection, possibly requiring additional modifications to your service line installation.

Sincerely,


Susan A. Moynihan
New Business Supervisor

Missouri American Water
727 Craig Road
St. Louis, MO 63141
USA

T +1 314 996 2306
F +1 314 569 3972
M +1 314 691 3616
E sue.moynihan@amwater.com
I www.amwater.com



**Metropolitan
St. Louis Sewer
District**

2350 Market Street
St. Louis, MO 63103-2555
(314) 768-6200

P-15-16

August 28, 2015

Mr. Jim Showmaker
St. Louis County Department of Public Works
41 South Central Avenue
St. Louis, MO 63105

Re: Sewer Service Availability
13 Roosevelt Dr.
Parcel ID. 26M210090

Dear Mr Showmaker,

This letter is to confirm that public sewer is not available within 200' for the above referenced property. If a septic system will not be approved by the regulating plumbing /health department authority then connection to a public sanitary sewer will be required. Any additional improvements to this site requiring storm and/or sanitary sewer must be submitted to the District for review and approval.

If you have any questions regarding this matter, please do not hesitate to contact the Engineering Plan Review Section at 314-768-2705.

Sincerely,

Thanks,

Fred

Fred Tullmann, P.E.
Civil Engineer
Engineering / Planning / Development Review
Metropolitan St. Louis Sewer District
2350 Market Street
St. Louis, MO 63103
T: 314-335-2077

ON-SITE SOILS, Inc.

P-15-16

Toll Free 1-888-878-1461

December 18, 2015

King Septic Service Engineering
8739 Byrnesville Road
Cedar Hill, MO 63016

Telephone: 314-973-0377

RE: Soil Evaluation Report
Project Number: 15-M223

Dear Client:

Please consider this letter and attachments as a Soil Evaluation Report for the following property:

13 Roosevelt Drive
Repair
3 Bedrooms
St. Louis County, Missouri

The following are additional comments concerning your future on-site treatment system:

- 1) The area represented by each sample site is defined by landscape position.
- 2) Overland water flow and runoff water from roofs needs to be diverted away from the absorption field.
- 3) Do not disturb absorption field prior to system installation.
- 4) The treatment system should be installed by a registered installer.
- 5) Installation should be done when soil conditions are dry.
- 6) Consult with your administrative authority.

The soil information contained in this report is intended to assist the administrative authority in their evaluation of your property for an on-site treatment system. Any other conclusions or interpretations will be outside the scope of this report. On-Site Soils does not represent nor warrant the operation or functionality of any installed system.

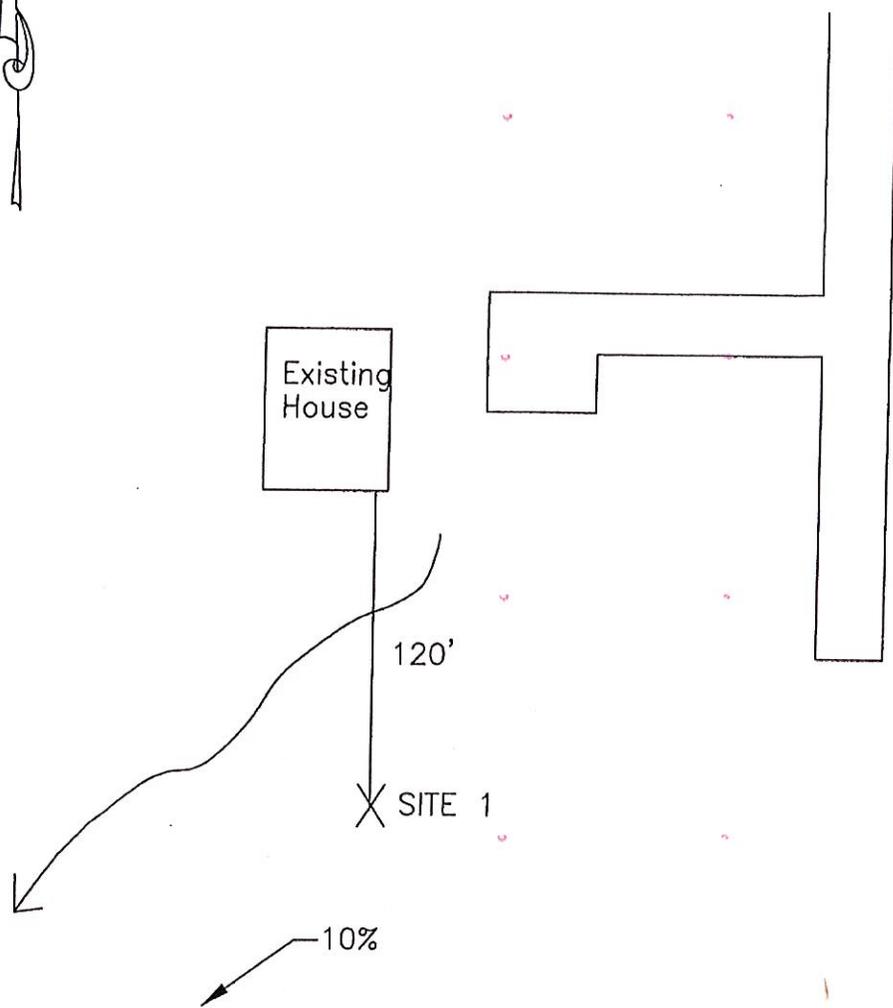
Sincerely,



Matthew W. Roth
Soil Scientist

DHSS Registration #10039

Client copy
County copy



LEGEND

X=Soil Sample Location

%=Slope in percent & Direction of Slope

NOTES

Distances approximated.

SCALE: NONE

<h1>ON-SITE SOILS</h1>	
13 Roosevelt Dr	
St. Louis County, Missouri	
Project # 15-M223	December 2015
DRW'N BY	MWR
CHK'D BY	

p. 15. 16



Mehlville Fire Protection District Fire Prevention Division

Aaron Hilmer
Director - Chairman
Bonnie C. Stegman
Director - Treasurer
Ed Ryan
Director - Secretary
Brian Hendricks
Fire Chief
Edwin M. Berkel
Fire Marshal

February 1, 2016

RECEIVED

FEB 03 2016

CITY OF SUNSET HILLS

Mr Bryson Baker, PE
City of Sunset Hills
3939 S LINDBERGH BLVD
SAINT LOUIS MO 63127-1309

re: Sunset Terrace lot split

Dear Mr Baker:

Enclosed is a copy of the proposed plat for the above referenced subdivision. No additional fire hydrants are required for this project.

If you have any questions, please feel free to contact my office at 894-0420 extension 1703.

Sincerely,

Edwin M. Berkel, CFI
Fire Marshal

- See P-03-116 for signed copy of plat

P-15-16

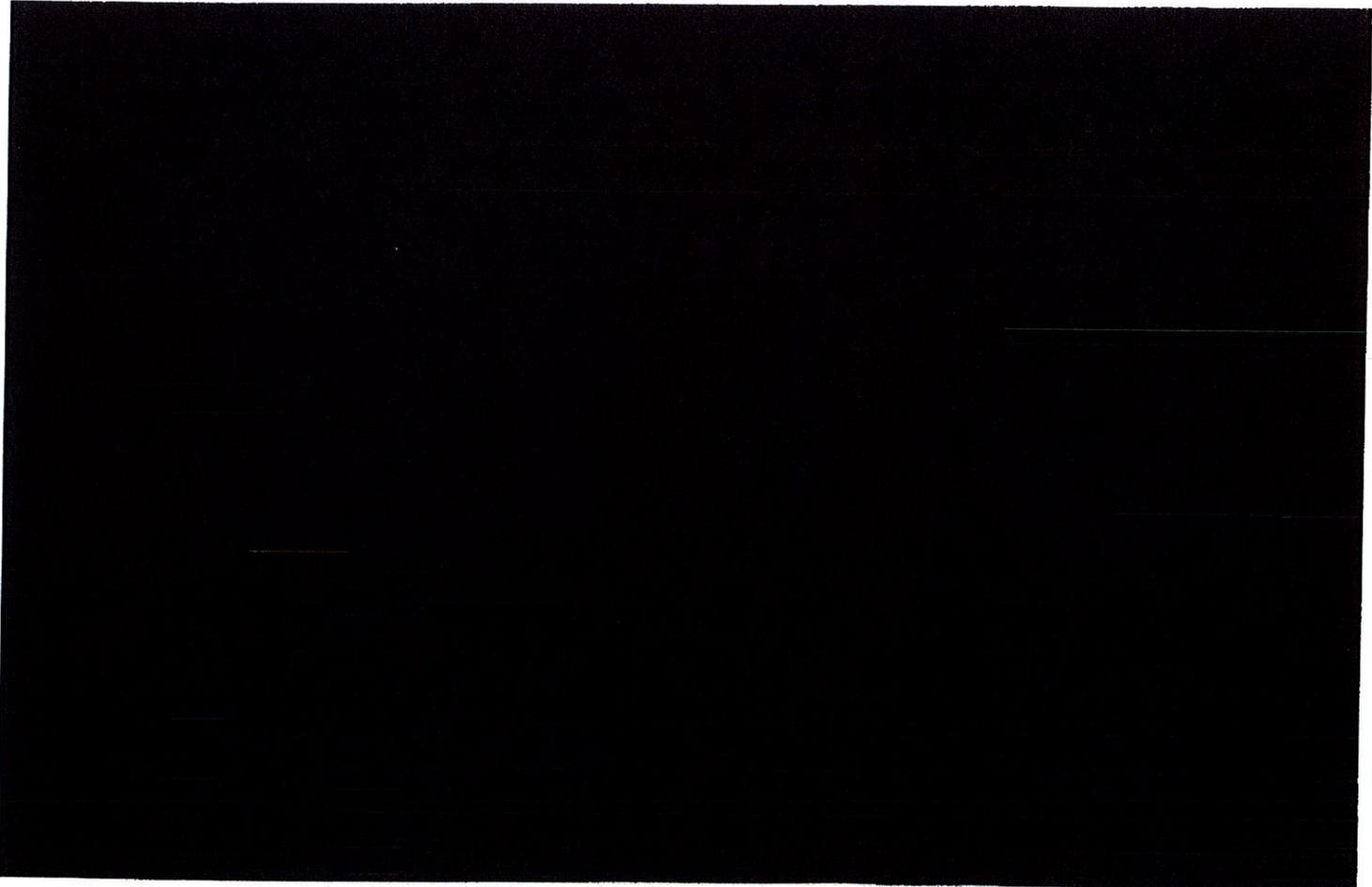
DURABLE POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that I, **DORIS E. THIAS**, a widow and not remarried, of the County of St. Louis, State of Missouri, have constituted and appointed and by these presents do constitute and appoint my daughters, **LINDA E. SACHS AND NANCY D. GRONEMYER**, acting jointly and/or individually, my true and lawful attorneys-in-fact for me and in my name.

THIS IS A DURABLE POWER OF ATTORNEY AND THE AUTHORITY OF MY ATTORNEYS-IN-FACT SHALL NOT TERMINATE IF I BECOME DISABLED OR INCAPACITATED OR IN THE EVENT OF LATER UNCERTAINTY AS TO WHETHER I AM DEAD OR ALIVE, OR IF I AM CAPTURED, INTERNED, BESIEGED OR HELD HOSTAGE OR PRISONER IN A FOREIGN COUNTRY.

I specifically give my said attorneys-in-fact authority:

(a) To demand, sue for and receive all moneys due me on account or otherwise, and to execute good and proper releases or acquittances there for, and to sell, assign or transfer any and all tangible personal property of every kind and character belonging to me or in which I may have an interest.



(g) To sell, at public or private sale, or lease, with or without the services of a real estate broker, my residence known as and numbered 13 Roosevelt Drive, St. Louis, MO 63127, legal description to govern.

(h) To arrange for and to consent to any care which I may need at any time to be provided by any physician, hospital, nursing home or extended care facility.

I hereby give and grant unto my said attorneys-in-fact, **LINDA E. SACHS AND NANCY D. GRONEMYER, acting jointly and/or individually**, full power and authority to do and perform all and every act and thing requisite and necessary to be done in and about the premises and matters aforesaid as fully and to all extents and purposes as I might or could do if personally present. In the event that either of my said daughters shall be deceased, disabled, or unwilling or unable to serve or to continue to serve as my attorney-in-fact, then my remaining named daughter shall become my sole attorney-in-fact with the same powers and duties as are herein granted to my first named attorneys-in-fact.

This Power of Attorney is a grant of general powers with respect to all lawful subjects and purposes as defined in Chapter 404, RSMo., and my said attorneys-in-fact shall have general powers to administer my affairs in accordance therewith. The recitation of specific powers authorized to my attorneys-in-fact herein shall not be deemed to limit the general powers granted to my attorneys-in-fact. Notwithstanding the provisions of Section 404.723, RSMo., my said attorneys-in-fact shall not have authority to delegate any or all of the powers granted herein to any other person; provided, however, my said attorneys-in-fact may employ agents, attorneys, brokers and other appropriate assistants to assist my said attorneys-in-fact in the conduct of the matters authorized by this Power of Attorney.

The attorneys-in-fact (and any designated successors) named in this document are hereby designated as my personal representatives as defined by 45 CFR 164.502 (g), commonly known as the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"). My personal representatives are to have the same access to my individually identifiable mental and physical health care and treatment information as I would have if I were able to act for myself and shall have authority on my behalf to execute and to revoke releases of confidential information from medical and mental health providers and insurers and other third party payors as may be necessary in order to obtain disclosure of my patient records and other medical information subject to and protected under HIPAA. My personal representatives are also authorized to take any and all legal actions necessary to ensure my agents' access to medical information and such actions shall include resorting to legal process, if necessary, to enforce my rights under the law and to attempt to recover attorney's fees, as authorized by law, in enforcing my rights. The specific authority of my personal representatives may also have been set out in a Durable Addendum/Amendment to this Durable Power of Attorney and any Durable Power of Attorney for Health Care which I may have adopted at any time.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 12th day of March, 2008.

Doris E. Thias
DORIS E. THIAS

The Signatures of my said Attorneys-in-Fact are endorsed hereon for identification purposes.

Linda E. Sachs
LINDA E. SACHS
Signature of Attorney-in-Fact

Nancy D. Gronemyer
NANCY D. GRONEMYER
Signature of Attorney-in-Fact

STATE OF MISSOURI)
) ss.
COUNTY OF ST. LOUIS)

On this 12th day of March, 2008, before me personally appeared **DORIS E. THIAS**, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that she executed the same as her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

J. Anthony Dill
Notary Public

J. ANTHONY DILL
Notary Public -- Notary Seal
STATE OF MISSOURI
County of St. Louis
My Commission Expires: April 10, 2010
Commission # 06436145

1ST READING 7-12-16.

BILL NO. 17 2ND READING 8/9/16

ORDINANCE NO. _____

AN ORDINANCE APPROVING AN AMENDED DEVELOPMENT PLAN FOR SUNBELT RENTALS, INC. TO ADD TWO ABOVE GROUND FUEL TANKS ON THE PROPERTY AT 13084 GRAVOIS ROAD.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SUNSET HILLS, MISSOURI, AS FOLLOWS:

Section 1: A Development Plan was previously approved in 2014 by the Board of Aldermen for a building at 13084 Gravois Road.

Section 2: A public hearing upon the petition of Sunbelt Rentals, Inc. for an Amended Development Plan to add two above ground fuel tanks was held on July 12, 2016 before the Board of Aldermen of the City of Sunset Hills.

Section 3: The Amended Development Plan submitted by Sunbelt Rentals, Inc. to add two above ground fuel tanks at 13084 Gravois Road is hereby approved. The Petitioner shall secure the tanks to the satisfaction of the City Engineer to prevent them from floating in the event of a flood.

Section 4: This ordinance shall take effect immediately upon its passage and approval.

PASSED THIS ____ DAY OF _____, 2016.

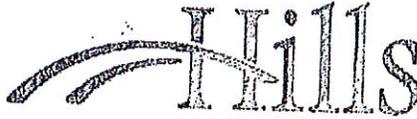
MAYOR

APPROVED THIS ____ DAY OF _____, 2016.

MAYOR

ATTEST:

DEPUTY CITY CLERK



3939 S. Lindbergh Blvd.
314-849-3400

FILE NO. P-18-16
DATE 5-11-16
FEE 250-

AMENDED DEVELOPMENT PLAN

- 1. Applicant's Name SUNBELT RENTALS, INC.
- 2. Mailing Address 2341 DEERFIELD DR., FIMILLSC²⁹⁷¹⁵ Phone (803)578-5922
- 3. Agent's Name and Address _____
(If different than Applicant)
- 4. Property Owner's Name WINTER BROTHERS MATERIAL COMPANY
- 5. Address of Property 13084 GRAVOIS ROAD, ST LOUIS MO 63127
- 6. Area of Property 2.29 ACRES
- 7. Current Zoning PD-LI Proposed Zoning _____
- 8. Remarks and Reasons SUNBELT RENTALS IS PROPOSING A ABOVE GROUND FUEL STORAGE/DESPENSING FACILITY IN THE REAR STORAGE YARD OF THE FACILITY.

- 9. Legal Description (to be attached)
- 10. Scale Drawings of Property and Proposed Development Plans (to be attached)
- 11. Fee: Area of ten acres or less \$250.00. Area of more than ten acres \$250.00 plus \$25.00 for each acre or fraction thereof over ten acres. 6.25 acres

I hereby state that I have read all applicable sections of the Zoning Ordinances of the City of Sunset Hills and can comply with all requirements of those regulations. I also certify that all statements made on this application are true and that I have a legal right to make this application.

Signature: [Handwritten Signature]

P-18-16

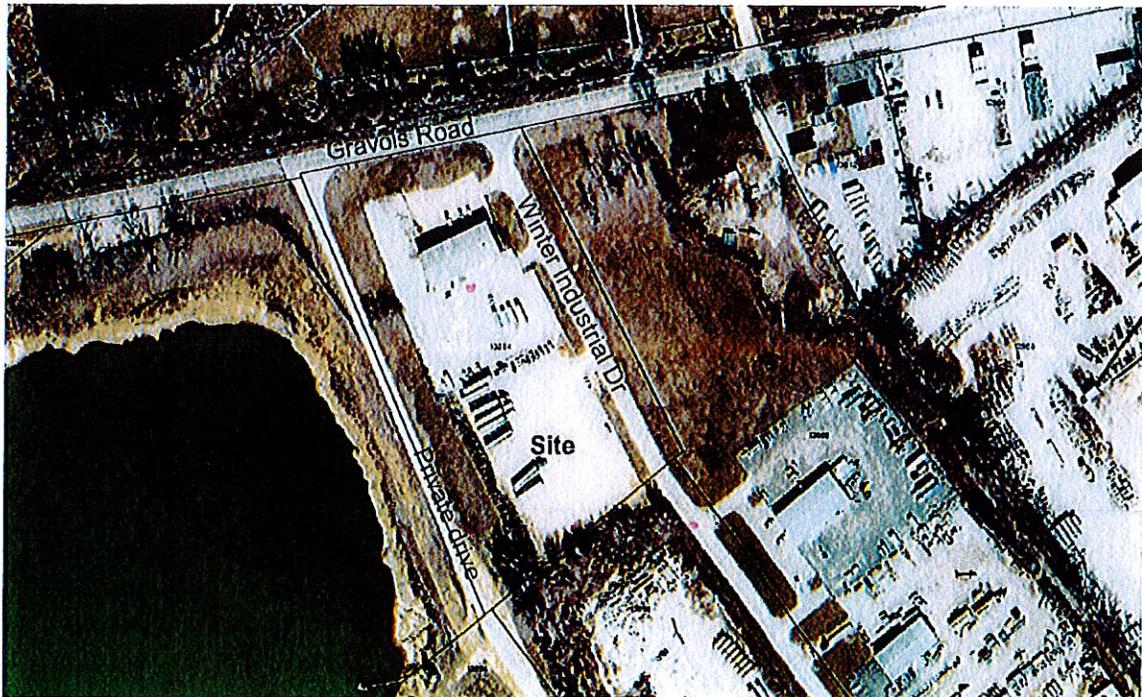
Title: Amended Development Plan for the installation of two (2) above ground fuel tanks at 13084 Gravois Road.

Petitioner: Sunbelt Rentals Inc
2341 Deerfield Road
Ft Mills, South Carolina 29715

Owner: Winter Brothers Material Company
13098 Gravois Road
Sunset Hills, Missouri 63127

Agent: Kent Nurnberger, Grimes Consulting

Date: June 2016



Summary:

This application is for an Amended Development Plan for property at 13084 Gravois Road. The property is located on the southwest corner of Gravois Road and Winter Industrial Drive. The property is currently zoned PD-LI, Planned Development-Light Industrial. The property to the north (across Gravois Road) is zoned R-1, Single Family Residential, 1 acre minimum lot size. The property to the east (across Winter Industrial Drive) is zoned PD-LI. The properties to the south and west are zoned NU, Non-Urban, 3 acres minimum lot size.

Staff analysis:

The last petition for this property was in 2014, when the petitioner received approval of an Amended Development Plan to construct a 1200 square foot addition to the existing building.

Per Appendix B Zoning Regulations, Section 4.10-25 Changes and amendments to final development plan:

- (A) Minor changes: Minor changes in the location, siting and height of buildings and structures may be authorized by the zoning enforcement officer if required by engineering or other circumstances not foreseen at the time the final plan was approved. No change authorized by this section shall cause any of the following:
1. A change in the use or architectural character of the development, including changes in any exterior finish material approved by the board;
 2. An increase in building or site coverage;
 3. An increase in the intensity of use (e.g., number of dwelling units);
 4. An increase in vehicular traffic generation or significant changes in traffic access and circulation;
 5. A reduction in approved open space or required buffer areas; or
 6. A change in the record plat.

- (B) Plan amendments: All proposed changes in use, or rearrangement of lots, blocks and building tracts, changes in the provision of common open spaces, and changes which would cause any of the situations listed under paragraph (A) above shall be subject to approval by the board. In such event, the applicant shall file a revised development plan and be subject to the requirements of this section as if it were an entirely new application.

The applicant is currently occupying the structure. The proposed addition, per Appendix B Zoning Regulations, Section 4.10-25 Changes and amendments to final development plan necessitate the need for this application and the application of all current code requirements.

The petitioner is proposing to install two (2) above ground fuel tanks to the property, behind the existing building. The tanks would be installed on an existing concrete pad. The location of the dumpster enclosure has also changed slightly, from the original proposed location.

This property is affected by 100 year flood plain. However, the building and this concrete pad are above the base flood elevation. All current code requirements would be met by this proposal.

Lynn Sprick

From: Kent Nurnberger <kentn@grimesconsulting.com>
Sent: Wednesday, August 03, 2016 1:18 PM
To: Lynn Sprick
Subject: RE: amended development plan
Attachments: 1000 tank report.pdf; 550 tank report.pdf

Lynn,

I wanted to provide The City a copy of the Structural Calculations for the fuel storage tanks for Sunbelt Rentals. They include the seismic as well as buoyancy calculations.

Sunbelt Rentals informed me that it is their standard procedure to have an emergency response plan at all of their locations which typically covers fuel tanks in a flooding situation. I am in the process of getting a copy of their plan.

Thank you,
Kent

Kent Nurnberger, P.E.
Project Engineer
314.849.6100

GRIMES CONSULTING, INC.
Civil Engineering & Surveying Services

Mail: kentn@grimesconsulting.com
Website: www.grimesconsulting.com

Huneke Engineering

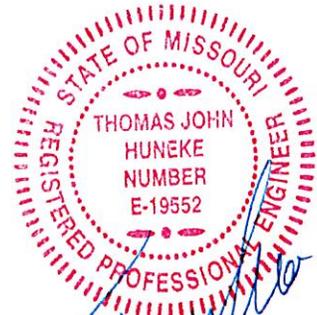
60 Gailwood, Suite B
St. Peters, MO 63376
636 441-9000 636 922-9915 fax

7/15/2016

To Whom It May Concern,

Subject Location: Sun Belt Rentals
13084 Gravois Road,
St. Louis, MO 63127

Client: Jeff Thum/Kent Nurnberger
Sunbelt Rentals/ Grimes Consulting



I have reviewed the structural concerns of the anchor bolts of the 1000 tank in relation to gravity, wind & seismic engineering and I have determined the following conclusion:

Code Requirement 2009 IBC

Site information

Building location St. Louis County
Basic wind speed, exposure category 90 MPH B
Soil site class, Allowable soil bearing capacity (contractor to verify) D, 1500 psf

Structure information

Existing Structure length x width 6'-9" x 6'-5"
Gasoline or Diesel Fuel Class II Combustible Liquid
Use Group F-1 using the 307.1.2 exception for liquids used for machine operation

Wind load information See Exhibit 1, p. 3

Wind load used (ASCE 05, MWFS Ext) 14.8 psf

Seismic load See Exhibit 2, p. 4

S_s, S_1 54/18 %g
Seismic Design Class C

Gravity Loads

Weight of tank 3800 lbs
Capacity of tank (diesel) 900 gallons
Weight of capacity of tank 6750 lbs

Construction material data

Concrete min compressive strength 3000 psi
Min rebar grade grade 40(3&4)/60(5>)

Acceptance and use of this report by any party constitute a contractual agreement that the Engineers total liability arising out of or in any way related to this analysis and report shall not exceed the total sum paid to the Engineer for the services provided. Liability does not exist beyond the analysis contained in this report. Materials selected by this report have been designed for calculations in this report only. Use of these materials for other purposes have not been considered.

Lateral Design:

ASCE 7-05 Chapter 15, see Exhibit 3 (p. 5) for calculations .

Footing Checks:

Anchorage can be provided, but there is a depth of concrete required for post installed anchors. 3/4" F1554 x12" embed threaded rod with Set-XP epoxy is recommended and shown in Exhibit 4 (p. 8). An 18"x6'x9' slab will resist the buoyant force.

If you have any questions related to this report please contact me.

Thomas J. Huneke, P.E. 19552
Prepared by V.T. Eskelsen

Acceptance and use of this report by any party constitute a contractual agreement that the Engineers total liability arising out of or in any way related to this analysis and report shall not exceed the total sum paid to the Engineer for the services provided. Liability does not exist beyond the analysis contained in this report. Materials selected by this report have been designed for calculations in this report only. Use of these materials for other purposes have not been considered.

Exhibit 1

Huneke Engineering
 60 Gailwood Dr, Ste B
 St Peters, MO 63376
 (636) 441-9000

JOB TITLE Tank Anchor

JOB NO. _____	SHEET NO. _____
CALCULATED BY _____	DATE _____
CHECKED BY _____	DATE _____

Wind Loads - MWFRS h≤60' (Low-rise Buildings) Enclosed/partially enclosed only

Kz = Kh (case 1) = 0.70	Edge Strip (a) = 3.0 ft
Base pressure (qh) = 14.2 psf	End Zone (2a) = 6.0 ft
GCpi = +/-0.18	Zone 2 length = 2.0 ft

Wind Pressure Coefficients

Surface	Transverse Direction			Longitudinal Direction		
	Perpendicular θ = 1.2 deg			Parallel θ = 0.0		
	GCp _f	w/-GCp _i	w/+GCp _i	GCp _f	w/-GCp _i	w/+GCp _i
1	0.40	0.58	0.22	0.40	0.58	0.22
2	-0.69	-0.51	-0.87	-0.69	-0.51	-0.87
3	-0.37	-0.19	-0.55	-0.37	-0.19	-0.55
4	-0.29	-0.11	-0.47	-0.29	-0.11	-0.47
5	-0.45	-0.27	-0.63	-0.45	-0.27	-0.63
6	-0.45	-0.27	-0.63	-0.45	-0.27	-0.63
1E	0.61	0.79	0.43	0.61	0.79	0.43
2E	-1.07	-0.89	-1.25	-1.07	-0.89	-1.25
3E	-0.53	-0.35	-0.71	-0.53	-0.35	-0.71
4E	-0.43	-0.25	-0.61	-0.43	-0.25	-0.61

Nominal Wind Surface Pressures (psf)

1	8.2	3.1	8.2	3.1
2	-7.2	-12.4	-7.2	-12.4
3	-2.7	-7.8	-2.7	-7.8
4	-1.6	-6.7	-1.6	-6.7
5	-3.8	-8.9	-3.8	-8.9
6	-3.8	-8.9	-3.8	-8.9
1E	11.2	6.1	11.2	6.1
2E	-12.6	-17.8	-12.6	-17.8
3E	-5.0	-10.1	-5.0	-10.1
4E	-3.6	-8.7	-3.6	-8.7

Parapet

Windward parapet = 0.0 psf (GCp_n = +1.5)
 Leeward parapet = 0.0 psf (GCp_n = -1.0)

Windward roof overhangs = 9.7 psf (upward) add to windward roof pressure

Horizontal MWFRS Simple Diaphragm Pressures (psf)

Transverse direction (normal to L)

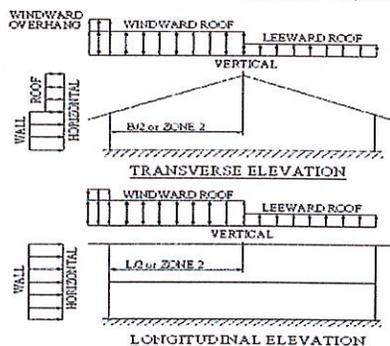
Interior Zone: Wall 9.8 psf
 Roof -4.5 psf **
 End Zone: Wall 14.8 psf
 Roof -7.7 psf **

Longitudinal direction (parallel to L)

Interior Zone: Wall 9.8 psf
 End Zone: Wall 14.8 psf

** NOTE: Total horiz force shall not be less than that determined by neglecting roof forces (except for MWFRS moment frames).

The code requires the MWFRS as a minimum be designed for a 10 psf force applied to the vertical projection of the structure.



Wind Force:

Area of Lengthwise = 6.75 ft x 6.4 ft = 43.3125 ft²
 Wind force = 14.8 psf x Area = 320.51 lbs

Wind Force:

Area of width-wise = 5.833333 ft x 6.4 ft = 37.43056 ft²
 Wind force = . psf x Area = 276.99 lbs

Acceptance and use of this report by any party constitute a contractual agreement that the Engineers total liability arising out of or in any way related to this analysis and report shall not exceed the total sum paid to the Engineer for the services provided. Liability does not exist beyond the analysis contained in this report. Materials selected by this report have been designed for calculations in this report only. Use of these materials for other purposes have not been considered.

Exhibit 2

ASCE 7-05 SEISMIC LOADS

NOTE: PROVISIONS OF INHERENT & ACCIDENTAL TORSION NOT INCLUDED.

JOB NAME: Tank Anchor SEE SECTIONS 12.8.4.1 & 12.8.4.2

Building Classification----- III-Hazard to humans Table 1-1

Importance Factor---I= 1.25 11.5-1

Site Classification----- D Table 20.3-1

Seismic Factor, S_s ----- 54 (%g) $F_a = 1.368$ Table 11.4-1/12.8.1.3

Seismic Factor, S_1 ----- 18 (%g) (Utilizing ASCE Table 11.6-1 alone)

Seismic Factor, S_{D_s} ----- 49.2 (%g) Eqn 11.4-3

Seismic Factor, S_{D_1} ----- 25.0 (%g) Eqn 11.4-4

Seismic Design Category----- C Table 11.6-1 & 2

$T_L =$ 12 s, Figure 22-15

Approx. Period, $T = (C_t)(H_n)^{.75} = .02*(6.42)^{.75} = 0.081$ s Eqn 12.8-7/Table 12.8-2

$k = 1.0$ (used in Eqn 12.8-12)

6) Horizontal, saddle sptd $R = 3.0$

$\rho = 0$ $\Omega_0 = 2.0$ $C_d = 2.5$ Table 12.2-1, 15.4-2
12.3.4.1,2

ROOF SNOW LOAD----- 20.00 PSF--- 12.7.2.4

ROOF DEAD LOAD----- 161.27 PSF

ROOF COLLATERAL LOAD----- 0.00 PSF

FLOOR DEAD LOAD----- 15.00 PSF

WALL DEAD LOAD----- 0.00 PSF

Building Size: Width Length Eave

5.833 ft X 6.75 6.42

ROOF PITCH----- 0.00 :12 Slope Factor = 1.08

CANOPY (ft)----- 0.00 ft (REW) 0.00 ft (LEW)

0.00 ft (FSW) 0.00 ft (BSW)

$R = 3.0$

$V = [S_{D_s}/(R/I)]*W = 0.205$ W Eqn 12.8-2

$V = [S_{D_1}/(TR/I)]*W = 1.290$ W max Eqn 12.8-3

$V = [S_{D_1}T_L/(T^2R/I)]*W$ W max Eqn 12.8-4

$V = .01*W = 0.010$ W min Eqn 12.8-5

$V = [.5S_1/(R/I)]*W =$ W min Eqn 12.8-6

$V = [FS_{D_s}/(R)]*W = 0.164$ W simplifie Eqn 12.14-11

Use: 0.206 W

$T_a = C_t h^x$ (12.8-7, ASCE 7-05)

$T_a = (.02)(6.42)^{.75} = .081$ s

$T_s = S_{d1}/S_s = 25/49.2 = .51$

$.8T_s = .41$ Meets criteria from 11.6 for seismic design category "C", but also ...

$V = .3S_d s I_e W$ (15.4-5, ASCE 7-05)

$V = .185*W$ (12.8-2>)

$V = .206*(3800\text{lbs}+6750\text{bs}) = 2173$ lbs (> wind, governs)

Acceptance and use of this report by any party constitute a contractual agreement that the Engineers total liability arising out of or in any way related to this analysis and report shall not exceed the total sum paid to the Engineer for the services provided. Liability does not exist beyond the analysis contained in this report. Materials selected by this report have been designed for calculations in this report only. Use of these materials for other purposes have not been considered.

Exhibit 3

Gravity Loading:

Max Load on Anchor point:

Tank weight =	3800 lbs/2 supports =	1900 lbs
Tank Volume =	900 gallons	
Fuel weight =	6750 lbs/2 supports =	3375 lbs
Support =	5 in x 78 in	
		1947.692 psf on top of concrete
		3371 psf + Seismic vertical (TOC)

Utilizing 15.4.7.6.1a that allows design as a rigid mass.

Lateral loading:

Center of gravity of tank and full load of diesel =	38.5 in
Supports = 48 in x 81 in	3.21 ft
Support d1 = supports + 1/2 L = 50 in	4.17 ft (governs)
Support d2 = supports - 1/2 L = 77.5 in	6.46 ft

$V = .205 * W =$ 2164.86 lbs

$F = V * CG / \text{Support d} = 2165 \text{ lbs} * 3.2 \text{ ft} / (4.2 \text{ ft}) =$ 1666.94 lbs

$F_a = 1.05 * F / 2 =$ 875.14 lbs/anchor Vert 568.2758 lbs/anchor Horiz

Upward seismic vertical = $.2 S_d s W$

$= (.2 * 49.2\% g * 10550 \text{ lbs}) / 4 \text{ anchor} =$ 259.78 lbs

Resisting DL = $.6 W$

$= (.6 * 10550 \text{ lbs} * \text{support} / 2) / (\text{support} * 2 \text{ anchors}) =$
1519.2 lbs

$F_a + \text{Upward E} - \text{Resisting DL} =$ -384.27 lbs

Therefore, no uplift when full

$$\begin{aligned}
 & 70 \text{ in outer dia} \\
 & 63 \text{ in inner dia} \\
 r = & 31.5 \text{ in} \quad 2.625 \\
 \text{Area of circle} = & \pi r^2 = 21.64754 \text{ ft}^2 \\
 & 3/4 A = 16.23565 \text{ ft}^2 \\
 & y = 270.0014 \text{ degrees}
 \end{aligned}$$

$$\begin{aligned}
 \omega = \text{angle} & 132.5 \\
 & 2.312561 \\
 \alpha = 1/2 \text{ angle in radians} & 1.156281
 \end{aligned}$$

$$\begin{aligned}
 Cx = 2r \sin(\alpha) / 3\alpha & 1.3853 \text{ ft} \\
 & 4.0103 \text{ ft} \\
 A \text{ sector} = r^2 \omega / 2 & 7.967496 \text{ sqft}
 \end{aligned}$$

$$\begin{aligned}
 A \text{ of triangle} = r^2 \sin(\alpha) \cos(\alpha) & \\
 & 2.540151 \text{ sqft} \\
 Cx = 2/3 * r * \cos(\alpha) = & 0.704807 \text{ ft} \\
 & 3.329807 \text{ ft}
 \end{aligned}$$

$$\text{Area} = A - A_{\text{sector}} + A_{\text{tri}} = 16.22019 \text{ ft}^2$$

$$Cx = Ax / \text{sum}(A) = 2.054905 \text{ ft}$$

$$\begin{aligned}
 \text{Investigating 3/4 full with inertial forces.} & .75 * W * 1.25 \\
 V = .205 * W = & 779.76 \quad 1298.531 \text{ lbs} \\
 F = V * CG / \text{Support d} = 780. \text{ lbs} * 3.2 \text{ ft} / (4.2 \text{ ft}) = & 1422.62 \text{ lbs} \\
 CG \text{ of 3/4} = & 2.638238 \text{ ft} \\
 Fa = 1.05 * F / 2 = & 746.87 \text{ lbs/anchor}
 \end{aligned}$$

$$\begin{aligned}
 \text{Upward seismic vertical} = .2 S_d s W \\
 = (.2 * 49.2\% * 8862.5 \text{ lbs}) / 4 \text{ anchor} = & 218.23 \text{ lbs}
 \end{aligned}$$

$$\begin{aligned}
 \text{Resisting DL} = .6W \\
 = (.6 * \text{lbs} * \text{support} / 2) / (\text{support} * 2 \text{ anchors}) = & 717.86 \text{ lbs}
 \end{aligned}$$

$$Fa + \text{Upward E} - \text{Resisting DL} = 247.24 \text{ lbs}$$

Acceptance and use of this report by any party constitute a contractual agreement that the Engineers total liability arising out of or in any way related to this analysis and report shall not exceed the total sum paid to the Engineer for the services provided. Liability does not exist beyond the analysis contained in this report. Materials selected by this report have been designed for calculations in this report only. Use of these materials for other purposes have not been considered.

Bouyancy Calculations:

V = volume of tank = 1000 gal
SGw = 62.4 lb/ft³ for fresh water
FS = 1.3
tank weight = 3800 lbs
Factor for gal to ft³ = 0.134
Weight of concrete = 150 lb/ft³

$$\begin{aligned}\text{Net Bouyant Fb} &= [.134V * \text{SGw} * \text{FS}] - \text{Wt} \\ &= [.134 \times 1000 \times 62.4 \times 1.3] - 3800 \\ &= 7070.08 \text{ lbs}\end{aligned}$$

1767.52 lbs per support Controls

$$\begin{aligned}\text{Vconc for resisting} &= \text{Fb} / (\text{Sc} - \text{SGw}) \\ &= 7070.08 / (150 - 62.4) \\ &= 80.70868 \text{ ft}^3 \\ &= 20.17717 \text{ ft}^3/\text{support} \\ &= 2.722409 \text{ ft if a cube}\end{aligned}$$

If slab = 5 ft x 7.75 ft; (tank dimensions +1')
Depth required = 24.99365 inches

A 3/4" F1554 threaded rod 12" embed with Set-XP epoxy meets the criteria (1767 lbs uplift or 569 lbs shear) but requires minimum of 18" depth of concrete for development of embedment. A slab 18" thick would be 6' x 9' for the required buoyant resistance. Information on the existing concrete was not provided.

Exhibit 4



Company:	Huneke Engineering	Date:	7/13/2016
Engineer:	VTE	Page:	1/4
Project:			
Address:			
Phone:	636-448-3639		
E-mail:	v.t.eskelsen@sbcglobal.net		

1. Project information

Customer company:
 Customer contact name:
 Customer e-mail:
 Comment:

Project description:
 Location:
 Fastening description:

2. Input Data & Anchor Parameters

General

Design method: ACI 318-08
 Units: Imperial units

Anchor Information:

Anchor type: Bonded anchor
 Material: F1554 Grade 36
 Diameter (inch): 0.750
 Effective Embedment depth, h_{ef} (inch): 12.000
 Code report: ICC-ES ESR-2508
 Anchor category: -
 Anchor ductility: Yes
 h_{min} (inch): 15.75
 C_{ac} (inch): 22.90
 C_{min} (inch): 1.75
 S_{min} (inch): 3.00

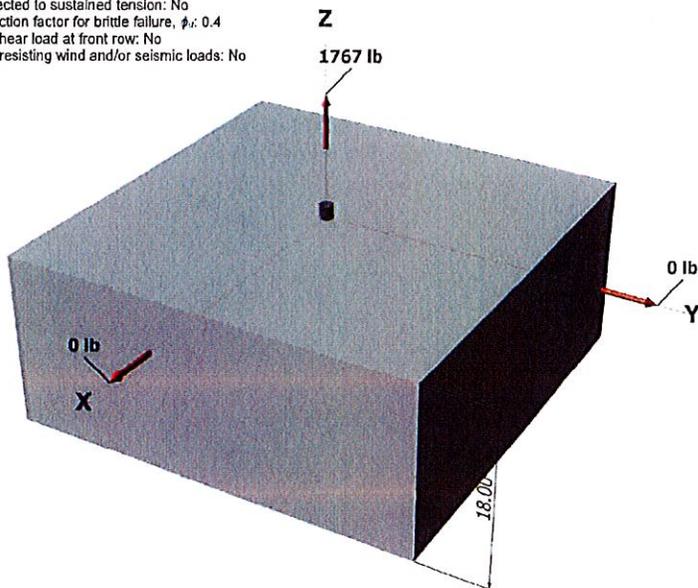
Base Material

Concrete: Normal-weight
 Concrete thickness, h (inch): 18.00
 State: Cracked
 Compressive strength, f_c (psi): 2500
 Ψ_{cv} : 1.0
 Reinforcement condition: B tension, B shear
 Supplemental reinforcement: Not applicable
 Reinforcement provided at corners: No
 Do not evaluate concrete breakout in tension: No
 Do not evaluate concrete breakout in shear: No
 Hole condition: Dry concrete
 Inspection: Periodic
 Temperature range, Short/Long: 150/110°F
 Ignore 6do requirement: Not applicable
 Build-up grout pad: No

Load and Geometry

Load factor source: ACI 318 Section 9.2
 Load combination: not set
 Seismic design: Yes
 Anchors subjected to sustained tension: No
 Strength reduction factor for brittle failure, ϕ_i : 0.4
 Apply entire shear load at front row: No
 Anchors only resisting wind and/or seismic loads: No

<Figure 1>



Input data and results must be checked for agreement with the existing circumstances, the standards and guidelines must be checked for plausibility.
 Simpson Strong-Tie Company Inc. 6956 W. Las Positas Boulevard Pleasanton, CA 94588 Phone: 925.560.9000 Fax: 925.847.3871 www.strongtie.com

Acceptance and use of this report by any party constitute a contractual agreement that the Engineers total liability arising out of or in any way related to this analysis and report shall not exceed the total sum paid to the Engineer for the services provided. Liability does not exist beyond the analysis contained in this report. Materials selected by this report have been designed for calculations in this report only. Use of these materials for other purposes have not been considered.

Company:	Hunke Engineering	Date:	7/13/2016
Engineer:	VTE	Page:	3/4
Project:			
Address:			
Phone:	636-448-3639		
E-mail:	v.t.eskelsen@sbcglobal.net		

3. Resulting Anchor Forces

Anchor	Tension load, N_{ax} (lb)	Shear load x, V_{ax} (lb)	Shear load y, V_{ay} (lb)	Shear load combined, $\sqrt{(V_{ax})^2 + (V_{ay})^2}$ (lb)
1	1767.0	0.0	0.0	0.0
Sum	1767.0	0.0	0.0	0.0

Maximum concrete compression strain (ϵ_c): 0.00
 Maximum concrete compression stress (psi): 0
 Resultant tension force (lb): 1767
 Resultant compression force (lb): 0
 Eccentricity of resultant tension forces in x-axis, e'_{tx} (inch): 0.00
 Eccentricity of resultant tension forces in y-axis, e'_{ty} (inch): 0.00

4. Steel Strength of Anchor in Tension (Sec. D.5.1)

N_{sa} (lb)	ϕ	ϕN_{sa} (lb)
19370	0.75	14528

5. Concrete Breakout Strength of Anchor in Tension (Sec. D.5.2)

$N_b = K_c A_c f_c' h_{ef}^{1.5}$ (Eq. D-7)

K_c	λ	f_c' (psi)	h_{ef} (in)	N_b (lb)
17.0	1.00	2500	8.000	19233

$0.75 \phi_c \phi N_b = 0.75 \phi_c \phi (A_{Nc} / A_{Nco}) \psi_{ed,N} \psi_{c,N} \psi_{p,N} N_b$ (Sec. D.3.3.3, D.4.1 & Eq. D-4)

A_{Nc} (in ²)	A_{Nco} (in ²)	$\psi_{ed,N}$	$\psi_{c,N}$	$\psi_{p,N}$	N_b (lb)	ϕ	$0.75 \phi_c \phi N_b$ (lb)
576.00	576.00	1.000	1.00	1.000	19233	0.65	3750

6. Adhesive Strength of Anchor in Tension (AC308 Sec. 3.3)

$r_{cr} = r_{crf} \lambda \psi_{cr} K_{tr} c_{cr} \sqrt{d_a}$

r_{cr} (psi)	λ	K_{tr}	c_{cr}	r_{cr} (psi)
385	1.00	1.00	1.00	385

$N_{us} = r_{cr} \pi d_a h_{ef}$ (Eq. D-16f)

r_{cr} (psi)	d_a (in)	h_{ef} (in)	N_{us} (lb)
385	0.75	12.000	10886

$0.75 \phi_c \phi N_{us} = 0.75 \phi_c \phi (A_{Ns} / A_{Nso}) \psi_{s,Ns} \psi_{p,Ns} N_{us}$ (Sec. D.3.3.3, D.4.1 & Eq. D-16a)

A_{Ns} (in ²)	A_{Nso} (in ²)	$\psi_{s,Ns}$	$\psi_{p,Ns}$	N_{us} (lb)	ϕ	$0.75 \phi_c \phi N_{us}$ (lb)
150.52	150.52	1.000	1.000	10886	0.55	1796

11. Results

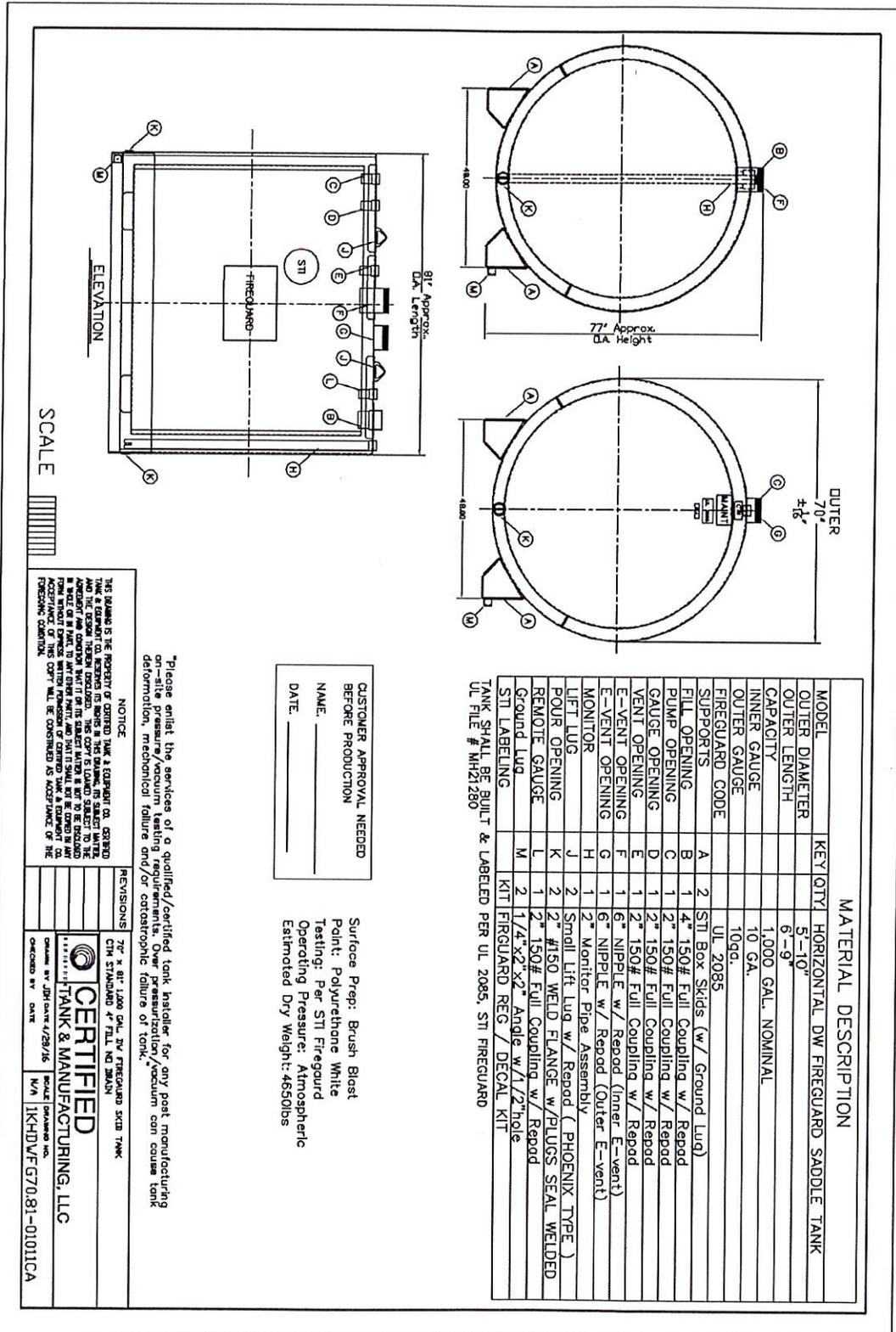
Interaction of Tensile and Shear Forces (Sec. D.7)

Tension	Factored Load, N_{ua} (lb)	Design Strength, ϕN_n (lb)	Ratio	Status
Steel	1767	14528	0.12	Pass
Concrete breakout	1767	3750	0.47	Pass
Adhesive	1767	1796	0.98	Pass (Governs)

SET-XP w/ 3/4"Ø F1554 Gr. 36 with hef = 12.000 inch meets the selected design criteria.

Acceptance and use of this report by any party constitute a contractual agreement that the Engineers total liability arising out of or in any way related to this analysis and report shall not exceed the total sum paid to the Engineer for the services provided. Liability does not exist beyond the analysis contained in this report. Materials selected by this report have been designed for calculations in this report only. Use of these materials for other purposes have not been considered.

Exhibit 5



MATERIAL DESCRIPTION	
MODEL	KEY QTY
OUTER DIAMETER	HORIZONTAL DW FIREGUARD SADDLE TANK
OUTER LENGTH	5'-10"
CAPACITY	6-9
INNER GAUGE	1,000 GAL. NOMINAL
OUTER GAUGE	10 GA.
FIREGUARD CODE	1000.
SUPPORTS	UL 2085
FILL OPENING	2 STI Box Skids (w/ Ground Lug)
PUMP OPENING	B 1 4" 150# Full Coupling w/ Repad
GAUGE OPENING	C 1 2" 150# Full Coupling w/ Repad
VENT OPENING	D 1 2" 150# Full Coupling w/ Repad
E-VENT OPENING	E 1 2" 150# Full Coupling w/ Repad
E-VENT OPENING	F 1 6" NIPPLE w/ Repad (Inner E-vent)
MONITOR	G 1 6" NIPPLE w/ Repad (Outer E-vent)
LIFT LUG	H 1 2" Monitor Pipe Assembly
POUR OPENING	J 2 Small Lift Lug w/ Repad (PHOENIX TYPE)
REMOTE GAUGE	K 1 2" #150 WELD FLANGE w/PLUGS SEAL WELDED
Ground Lug	L 1 2" #150 Full Coupling w/ Repad
STI LABELING	M 2 1/4"x2"x2" Angle w/1/2" hole
TANK SHALL BE BUILT & LABELED PER UL 2085, STI FIREGUARD KIT LABELING	

CUSTOMER APPROVAL NEEDED BEFORE PRODUCTION

NAME: _____

DATE: _____

Surface Prep: Brush Blast
 Point: Polyurethane White
 Testing: Per STI Fireguard
 Operating Pressure: Atmospheric
 Estimated Dry Weight: 4650lbs

NOTICE

THIS DRAWING IS THE PROPERTY OF CERTIFIED TANK & EQUIPMENT CO. DESIGNED AND DRAWN BY THE ENGINEER. IT IS TO BE USED ONLY FOR THE PROJECT AND THE DESIGN THEREIN INDICATED. THIS COPY IS LOANED SUBJECT TO THE OBLIGATION TO RETURN IT TO THE ENGINEER. NO PARTS OF THIS DRAWING OR ANY INFORMATION CONTAINED HEREIN SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF CERTIFIED TANK & EQUIPMENT CO. ACCEPTANCE OF THIS COPY WILL BE CONSIDERED AS ACCEPTANCE OF THE PRESENTING COMPANY.

REVISIONS	DATE	DESCRIPTION
1	07/15/16	77' x 81' 1500 GALL. DW FIREGUARD SADDLE TANK
2	07/15/16	CHG STANDARD 4" FILL NG BRASS

CERTIFIED

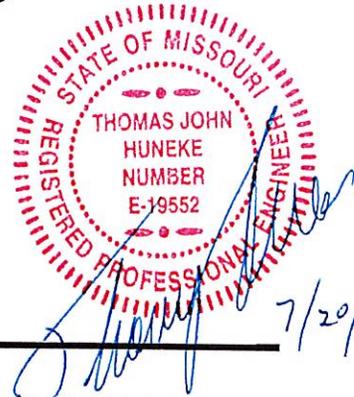
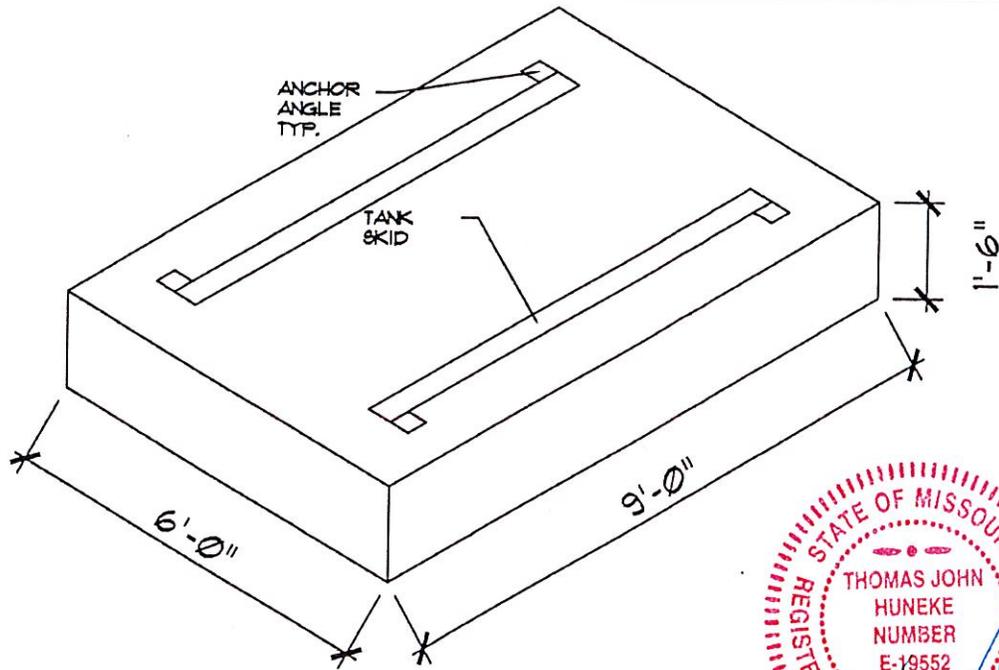
TANK & MANUFACTURING, LLC

Created by JPH Date: 4/29/16

Checked by DATE

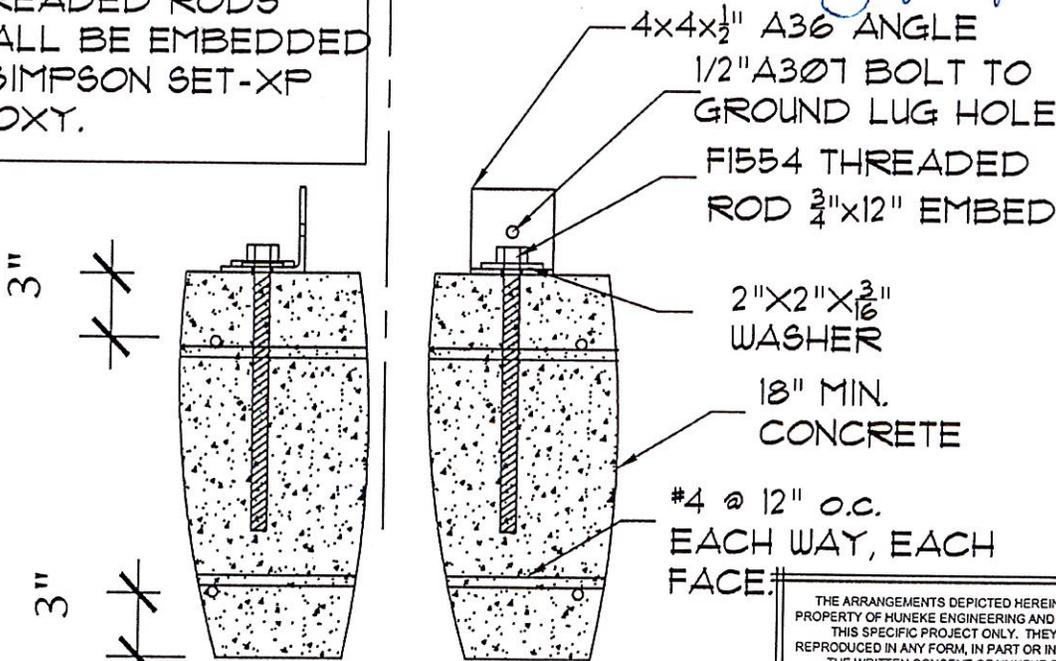
Scale: DRAWING NO. 1KHDF/G70.81-01011CA

Acceptance and use of this report by any party constitute a contractual agreement that the Engineers total liability arising out of or in any way related to this analysis and report shall not exceed the total sum paid to the Engineer for the services provided. Liability does not exist beyond the analysis contained in this report. Materials selected by this report have been designed for calculations in this report only. Use of these materials for other purposes have not been considered.



CONCRETE PAD

THREADED RODS SHALL BE EMBEDDED IN SIMPSON SET-XP EPOXY.



THE ARRANGEMENTS DEPICTED HEREIN ARE THE SOLE PROPERTY OF HUNEKE ENGINEERING AND MAY BE USED FOR THIS SPECIFIC PROJECT ONLY. THEY MAY NOT BE REPRODUCED IN ANY FORM, IN PART OR IN WHOLE, WITHOUT THE WRITTEN CONSENT OF HUNEKE ENGINEERING.



HUNEKE ENGINEERING
 60 GAILWOOD, SUITE B
 ST. PETERS, MO 63376
 TEL: 636-441-9000
 FAX: 636-992-9915
 www.HunekeEng.com

Sunbelt Rentals
 13084 Gravois Road,
 St. Louis, MO 63127

REVISIONS
Date: 07-13-16 Drawn by: VTE SHEET: S2.0

Huneke Engineering

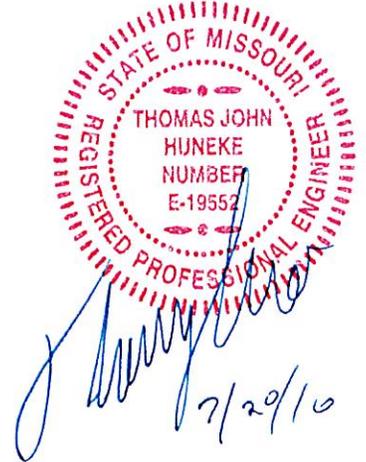
60 Gailwood, Suite B
St. Peters, MO 63376
636 441-9000 636 922-9915 fax

7/15/2016

To Whom It May Concern,

Subject Location: Sun Belt Rentals
13084 Gravois Road,
St. Louis, MO 63127

Client: Jeff Thum/Kent Nurnberger
Sunbelt Rentals/ Grimes Consulting



I have reviewed the structural concerns of the anchor bolts of the 550 tank in relation to gravity, wind & seismic engineering and I have determined the following conclusion:

Code Requirement 2009 IBC

Site information

Building location St. Louis County
Basic wind speed, exposure category 90 MPH B
Soil site class, Allowable soil bearing capacity (contractor to verify) D, 1500 psf

Structure information

Existing Structure length x width 6'-6" x 4'-10"
Gasoline or Diesel Fuel Class II Combustible Liquid
Use Group F-1 using the 307.1.2 exception for liquids used for machine operation

Wind load information See Exhibit 1, p. 3

Wind load used (ASCE 05, MWFS Ext) 14.8 psf

Seismic load See Exhibit 2, p. 4

S_s, S₁ 54/18 %g
Seismic Design Class C

Gravity Loads

Weight of tank 3350 lbs
Capacity of tank (gasoline) 500 gallons
Weight of capacity of tank 3000 lbs

Construction material data

Concrete min compressive strength 3000 psi
Min rebar grade grade 40(3&4)/60(5>)

Acceptance and use of this report by any party constitute a contractual agreement that the Engineers total liability arising out of or in any way related to this analysis and report shall not exceed the total sum paid to the Engineer for the services provided. Liability does not exist beyond the analysis contained in this report. Materials selected by this report have been designed for calculations in this report only. Use of these materials for other purposes have not been considered.

Lateral Design:

ASCE 7-05 Chapter 15, see Exhibit 3 (p. 5) for calculations .

Footing Checks:

Anchorage can be provided, but there is a depth of concrete required for post installed anchors. ½" dia x5" embed F1554 Gr 36 threaded rod anchor with SET-XP epoxy (with appropriate Nut & washer) is recommended and shown in Exhibit 4 (p. 8). A slab 12" thick would be 4' x 7'6" for the required buoyant resistance.

If you have any questions related to this report please contact me.

Thomas J. Huneke, P.E. 19552
Prepared by V.T. Eskelsen

Acceptance and use of this report by any party constitute a contractual agreement that the Engineers total liability arising out of or in any way related to this analysis and report shall not exceed the total sum paid to the Engineer for the services provided. Liability does not exist beyond the analysis contained in this report. Materials selected by this report have been designed for calculations in this report only. Use of these materials for other purposes have not been considered.

Exhibit 1

Huneke Engineering
 60 Gailwood Dr, Ste B
 St Peters, MO 63376
 (636) 441-9000

JOB TITLE Tank Anchor

JOB NO. _____ SHEET NO. _____
 CALCULATED BY _____ DATE _____
 CHECKED BY _____ DATE _____

Wind Loads - MWFRS $h \leq 60'$ (Low-rise Buildings) Enclosed/partially enclosed only

$K_z = K_h$ (case 1) = 0.70
 Base pressure (q_h) = 14.2 psf
 G_{Cpi} = +/-0.18

Edge Strip (a) = 3.0 ft
 End Zone (2a) = 6.0 ft
 Zone 2 length = 2.0 ft

Wind Pressure Coefficients

Surface	Transverse Direction			Longitudinal Direction		
	Perpendicular $\theta = 1.2$ deg			Parallel $\theta = 0.0$		
	G_{Cpf}	w/- G_{Cpi}	w/+ G_{Cpi}	G_{Cpf}	w/- G_{Cpi}	w/+ G_{Cpi}
1	0.40	0.58	0.22	0.40	0.58	0.22
2	-0.69	-0.51	-0.87	-0.69	-0.51	-0.87
3	-0.37	-0.19	-0.55	-0.37	-0.19	-0.55
4	-0.29	-0.11	-0.47	-0.29	-0.11	-0.47
5	-0.45	-0.27	-0.63	-0.45	-0.27	-0.63
6	-0.45	-0.27	-0.63	-0.45	-0.27	-0.63
1E	0.61	0.79	0.43	0.61	0.79	0.43
2E	-1.07	-0.89	-1.25	-1.07	-0.89	-1.25
3E	-0.53	-0.35	-0.71	-0.53	-0.35	-0.71
4E	-0.43	-0.25	-0.61	-0.43	-0.25	-0.61

Nominal Wind Surface Pressures (psf)

1	8.2	3.1	8.2	3.1
2	-7.2	-12.4	-7.2	-12.4
3	-2.7	-7.8	-2.7	-7.8
4	-1.6	-6.7	-1.6	-6.7
5	-3.8	-8.9	-3.8	-8.9
6	-3.8	-8.9	-3.8	-8.9
1E	11.2	6.1	11.2	6.1
2E	-12.6	-17.8	-12.6	-17.8
3E	-5.0	-10.1	-5.0	-10.1
4E	-3.6	-8.7	-3.6	-8.7

Parapet

Windward parapet = 0.0 psf ($G_{Cpn} = +1.5$)
 Leeward parapet = 0.0 psf ($G_{Cpn} = -1.0$)

Windward roof overhangs = 9.7 psf (upward) add to windward roof pressure

Horizontal MWFRS Simple Diaphragm Pressures (psf)

Transverse direction (normal to L)

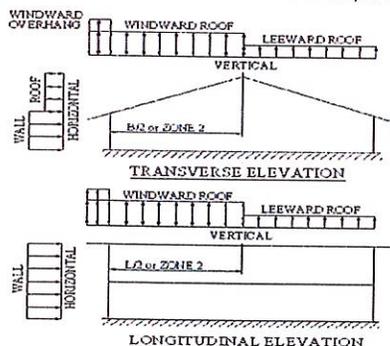
Interior Zone: Wall 9.8 psf
 Roof -4.5 psf **
 End Zone: Wall 14.8 psf
 Roof -7.7 psf **

Longitudinal direction (parallel to L)

Interior Zone: Wall 9.8 psf
 End Zone: Wall 14.8 psf

** NOTE: Total horiz force shall not be less than that determined by neglecting roof forces (except for MWFRS moment frames).

The code requires the MWFRS as a minimum be designed for a 10 psf force applied to the vertical projection of the structure.



Wind Force:

Area of Lengthwise = 6.5 ft x 4.9 ft = 31.6875 ft²
 Wind force = 14.8 psf x Area = 468.975 lbs

Wind Force:

Area of width-wise = 4.583333 ft x 4.9 ft = 22.34375 ft²
 Wind force = 14.8 psf x Area = 165.34 lbs

Acceptance and use of this report by any party constitute a contractual agreement that the Engineers total liability arising out of or in any way related to this analysis and report shall not exceed the total sum paid to the Engineer for the services provided. Liability does not exist beyond the analysis contained in this report. Materials selected by this report have been designed for calculations in this report only. Use of these materials for other purposes have not been considered.

Exhibit 2

ASCE 7-05 SEISMIC LOADS

NOTE: PROVISIONS OF INHERENT & ACCIDENTAL TORSION NOT INCLUDED.

JOB NAME: Tank Anchor SEE SECTIONS 12.8.4.1 & 12.8.4.2

Building Classification----- III-Hazard to humans Table 1-1

Importance Factor--- I= 1.25 11.5-1

Site Classification----- D Table 20.3-1

Seismic Factor, S_s ----- 54 (%g) $F_a = 1.368$ Table 11.4-1/12.8.1.3

Seismic Factor, S_1 ----- 18 (%g) (Utilizing ASCE Table 11.6-1 alone)

Seismic Factor, S_{DS} ----- 49.2 (%g) Eqn 11.4-3

Seismic Factor, S_{D1} ----- 25.0 (%g) Eqn 11.4-4

Seismic Design Category----- C Table 11.6-1 & 2

$T_L = 12$ s, Figure 22-15

Approx. Period, $T = (C_t)(H_n)^x = .02*(5.17)^{.75} = 0.069$ s Eqn 12.8-7/Table 12.8-2

$k = 1.0$ (used in Eqn 12.8-12)

6) Horizontal, saddle sptd $R = 3.0$ $\Omega_0 = 2.0$ $C_d = 2.5$ Table 12.2-1, 15.4-2

$\rho = 1.30$ 12.3.4.1,2

ROOF SNOW LOAD----- 20.00 PSF--- 12.7.2.4

ROOF DEAD LOAD----- 213.15 PSF

ROOF COLLATERAL LOAD----- 0.00 PSF

FLOOR DEAD LOAD----- 15.00 PSF

WALL DEAD LOAD----- 0.00 PSF

Building Size: Width Length Eave

4.583 ft X 6.50 5.17

ROOF PITCH----- 0.00 :12 Slope Factor = 1.08

CANOPY (ft)----- 0.00 ft (REW) 0.00 ft (LEW)

0.00 ft (FSW) 0.00 ft (BSW)

$R = 3.0$

$V = [S_{DS}/(R/I)]*W = 0.205$ W Eqn 12.8-2

$V = [S_{D1}/(TR/I)]*W = 1.517$ W max Eqn 12.8-3

$V = [S_{D1}T_L/(T^2R/I)]*W =$ W max Eqn 12.8-4

$V = .01*W = 0.010$ W min Eqn 12.8-5

$V = [.5S_1/(R/I)]*W =$ W min Eqn 12.8-6

$V = [FS_{DS}/(R)]*W = 0.164$ W simplifie Eqn 12.14-11

Use: 0.206 W

$T_a = C_t h^x$ (12.8-7, ASCE 7-05)

$T_a = (.02)(5.167)^{.75} = .069$ s

$T_s = S_{d1}/S_s = 25/49.2 = .51$

$.8T_s = .41$ Meets criteria from 11.6 for seismic design category "C", but also ...

$V = .3S_{ds}I_e W$ (15.4-5, ASCE 7-05)

$V = .185*W$ (12.8-2>)

$V = .206*(3350\text{lbs}+3000\text{lbs}) = 1308$ lbs (> wind, governs)

Acceptance and use of this report by any party constitute a contractual agreement that the Engineers total liability arising out of or in any way related to this analysis and report shall not exceed the total sum paid to the Engineer for the services provided. Liability does not exist beyond the analysis contained in this report. Materials selected by this report have been designed for calculations in this report only. Use of these materials for other purposes have not been considered.

Exhibit 3

Gravity Loading:

Max Load on Anchor point:
 Tank weight = 3350 lbs/2 supports = 1675 lbs
 Tank Volume = 500 gallons
 Fuel weight = 3000 lbs/2 supports = 1500 lbs
 Support = 3.5 in x 75 in
 1741.714 psf on top of concrete
 3298 psf + Seismic vertical (TOC)

Utilizing 15.4.7.6.1a that allows design as a rigid mass.

Lateral loading:

Center of gravity of tank and full load of diesel = 31 in
 Supports = 30 in x 78 in 2.58 ft
 Support d1 = supports + 1/2 L = 32 in 2.67 ft (governs)
 Support d2 = supports - 1/2 L = 74.5 in 6.21 ft

$V = .205 * W = 1303.02 \text{ lbs}$

$F = V * CG / \text{Support } d = 1303. \text{ lbs} * 2.6 \text{ ft} / (2.7 \text{ ft}) = 1262.30 \text{ lbs}$

$F_a = 1.05 * F / 2 = 662.71 \text{ lbs/anchor Vert } 342.0428 \text{ lbs/anchor Horiz}$

Upward seismic vertical = .2SdsW
 $= (.2 * 49.2\%g * 6350. \text{ lbs}) / 4 \text{ anchor} = 156.36 \text{ lbs}$

Resisting DL = .6W
 $= (.6 * 6350. \text{ lbs} * \text{support} / 2) / (\text{support} * 2 \text{ anchors}) = 892.9688 \text{ lbs}$

$F_a + \text{Upward } E - \text{Resisting DL} = -73.90 \text{ lbs}$

Therefore, no uplift when full

Acceptance and use of this report by any party constitute a contractual agreement that the Engineers total liability arising out of or in any way related to this analysis and report shall not exceed the total sum paid to the Engineer for the services provided. Liability does not exist beyond the analysis contained in this report. Materials selected by this report have been designed for calculations in this report only. Use of these materials for other purposes have not been considered.

Bouyancy Calculations:

V = volume of tank = 550 gal
SGw = 62.4 lb/ft³ for fresh water
FS = 1.3
tank weight = 3350 lbs
Factor for gal to ft³ = 0.134
Weight of concrete = 150 lb/ft³

Net Bouyant Fb = $[.134V*SGw*FS] - Wt$
= $[.134 \times 550 \times 62.4 \times 1.3] - 3350$
2628.544 lbs
657.136 lbs per support Controls

Vconc for resisting = $Fb / (Sc - SGw)$
= $2629 / (150 - 62.4)$
30.00621 ft³
7.501553 ft³ per support
1.957569 ft if a cube

If slab = 3.5 ft x 7.5 ft; (tank dimensions +1')
Depth required = 13.71712 inches

A ½" dia. x5" embed Simpson Set-XP anchor meets the criteria (657 lbs uplift or 342 lbs shear) but requires minimum of 8" depth of concrete for development of embedment. A slab 12" thick would be 4' x 7'6" for the required buoyant resistance. Information on the existing slab was not provided.

Exhibit 4



Company:	Huneke Engineering	Date:	7/12/2016
Engineer:	VTE	Page:	1/4
Project:			
Address:			
Phone:	636-448-3639		
E-mail:	v.Leskelsen@sbcglobal.net		

1. Project information

Customer company:
 Customer contact name:
 Customer e-mail:
 Comment:

Project description:
 Location:
 Fastening description:

2. Input Data & Anchor Parameters

General

Design method: ACI 318-08
 Units: Imperial units

Anchor Information:

Anchor type: Bonded anchor
 Material: F1554 Grade 36
 Diameter (inch): 0.500
 Effective Embedment depth, h_{ef} (inch): 5.000
 Code report: ICC-ES ESR-2508
 Anchor category: -
 Anchor ductility: Yes
 h_{min} (inch): 7.50
 c_{ac} (inch): 11.56
 c_{min} (inch): 1.75
 s_{min} (inch): 3.00

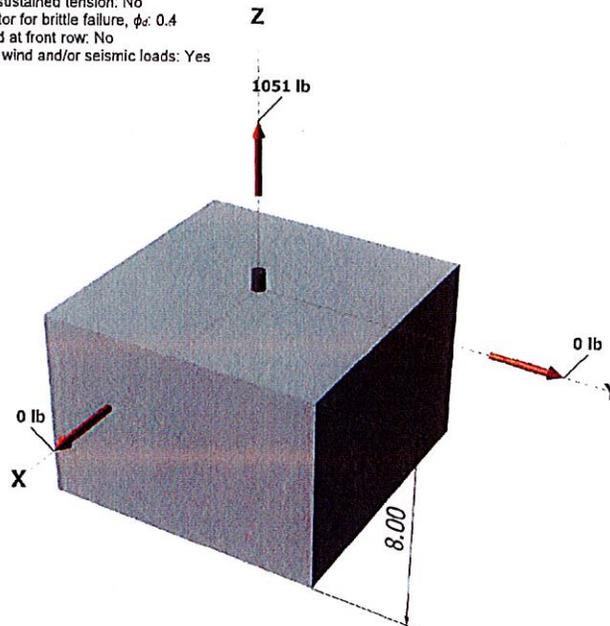
Base Material

Concrete: Normal-weight
 Concrete thickness, h (inch): 8.00
 State: Cracked
 Compressive strength, f_c (psi): 2500
 Ψ_{cv} : 1.0
 Reinforcement condition: B tension, B shear
 Supplemental reinforcement: Not applicable
 Reinforcement provided at corners: No
 Do not evaluate concrete breakout in tension: No
 Do not evaluate concrete breakout in shear: No
 Hole condition: Dry concrete
 Inspection: Periodic
 Temperature range, Short/Long: 150/110°F
 Ignore 6do requirement: Not applicable
 Build-up grout pad: No

Load and Geometry

Load factor source: ACI 318 Section 9.2
 Load combination: $U = 0.9D + 1.0E + 1.6H$
 Seismic design: Yes
 Anchors subjected to sustained tension: No
 Strength reduction factor for brittle failure, ϕ : 0.4
 Apply entire shear load at front row: No
 Anchors only resisting wind and/or seismic loads: Yes

<Figure 1>



Acceptance and use of this report by any party constitute a contractual agreement that the Engineers total liability arising out of or in any way related to this analysis and report shall not exceed the total sum paid to the Engineer for the services provided. Liability does not exist beyond the analysis contained in this report. Materials selected by this report have been designed for calculations in this report only. Use of these materials for other purposes have not been considered.

Company:	Huneke Engineering	Date:	7/12/2016
Engineer:	VTE	Page:	3/4
Project:			
Address:			
Phone:	636-448-3639		
E-mail:	v.t.leskelsen@sbcglobal.net		

3. Resulting Anchor Forces

Anchor	Tension load, N _{ua} (lb)	Shear load x, V _{sax} (lb)	Shear load y, V _{say} (lb)	Shear load combined, $\sqrt{(V_{sax})^2 + (V_{say})^2}$ (lb)
1	1051.0	0.0	0.0	0.0
Sum	1051.0	0.0	0.0	0.0

Maximum concrete compression strain (‰): 0.00
 Maximum concrete compression stress (psi): 0
 Resultant tension force (lb): 1051
 Resultant compression force (lb): 0
 Eccentricity of resultant tension forces in x-axis, e'_{nx} (inch): 0.00
 Eccentricity of resultant tension forces in y-axis, e'_{ny} (inch): 0.00

4. Steel Strength of Anchor in Tension (Sec. D.5.1)

N _{sa} (lb)	φ	φN _{sa} (lb)
8235	0.75	6176

5. Concrete Breakout Strength of Anchor in Tension (Sec. D.5.2)

$N_b = k_{co} \lambda^2 f_c h_{ef}^{1.5}$ (Eq. D-7)

k _{co}	λ	f _c (psi)	h _{ef} (in)	N _b (lb)
17.0	1.00	2500	4.000	6800

$0.75 \phi_c \phi N_{cb} = 0.75 \phi_c \phi (A_{Ncb} / A_{Nco}) \psi_{ed,N} \psi_{dn,N} \psi_{op,N} N_b$ (Sec. D.3.3.3, D.4.1 & Eq. D-4)

A _{Nc} (in ²)	A _{Nco} (in ²)	ψ _{ed,N}	ψ _{dn,N}	ψ _{op,N}	N _b (lb)	φ	0.75 φ _c φ N _{cb} (lb)
144.00	144.00	1.000	1.00	1.000	6800	0.65	1326

6. Adhesive Strength of Anchor in Tension (AC308 Sec. 3.3)

$r_{k,cr} = r_{k,cr,short-term} K_{sat} (1/N_{se})$

r _{k,cr} (psi)	f _{short-term}	K _{sat}	α _{N,se}	r _{k,cr} (psi)
508	1.72	1.00	1.00	874

$N_{ad} = r_{k,cr} \alpha d_a h_{ef}$ (Eq. D-16f)

r _{k,cr} (psi)	d _a (in)	h _{ef} (in)	N _{ad} (lb)
874	0.50	5.000	6862

$0.75 \phi_c \phi N_{sa} = 0.75 \phi_c \phi (A_{Nsa} / A_{Nso}) \psi_{ed,Nsa} \psi_{dn,Nsa} N_{ad}$ (Sec. D.3.3.3, D.4.1 & Eq. D-16a)

A _{Nsa} (in ²)	A _{Nso} (in ²)	ψ _{ed,Nsa}	ψ _{dn,Nsa}	N _{ad} (lb)	φ	0.75 φ _c φ N _{sa} (lb)
136.41	136.41	1.000	1.000	6862	0.55	1132

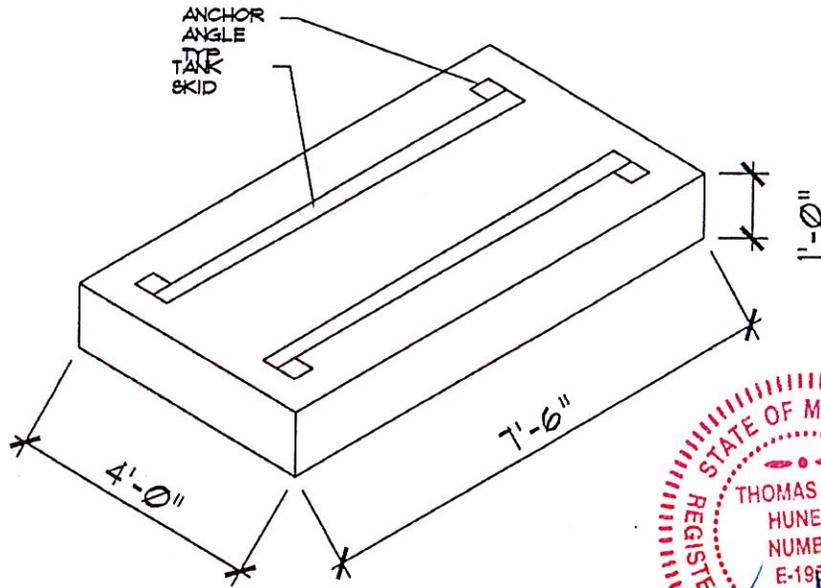
11. Results

Interaction of Tensile and Shear Forces (Sec. D.7)

Tension	Factored Load, N _{ua} (lb)	Design Strength, φN _s (lb)	Ratio	Status
Steel	1051	6176	0.17	Pass
Concrete breakout	1051	1326	0.79	Pass
Adhesive	1051	1132	0.93	Pass (Governs)

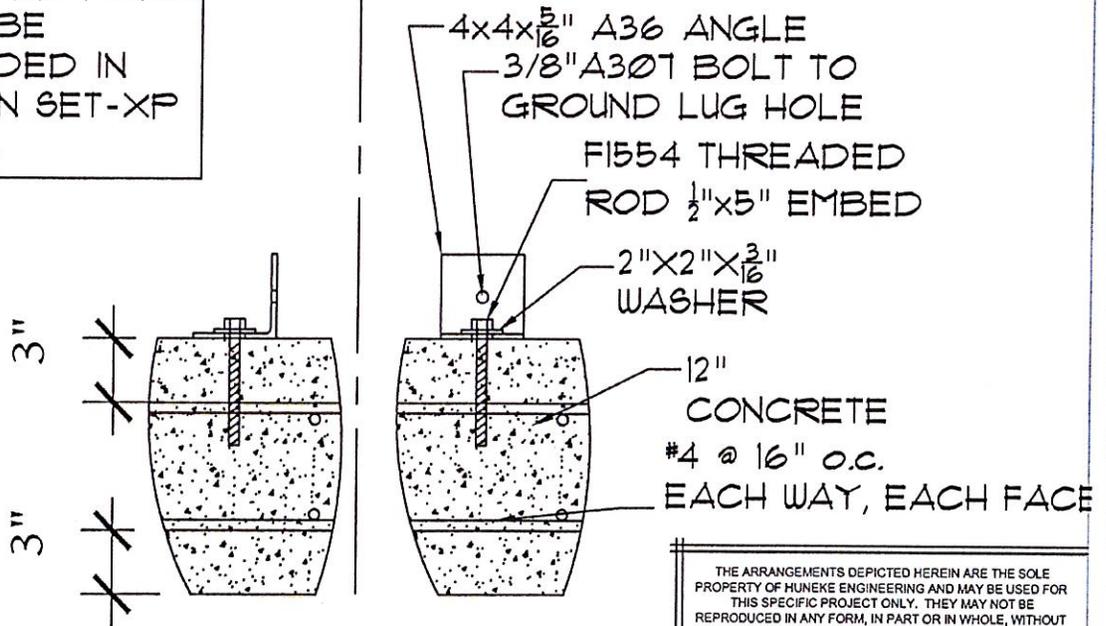
SET-XP w/ 1/2"Ø F1554 Gr. 36 with h_{ef} = 5.000 inch meets the selected design criteria.

Acceptance and use of this report by any party constitute a contractual agreement that the Engineers total liability arising out of or in any way related to this analysis and report shall not exceed the total sum paid to the Engineer for the services provided. Liability does not exist beyond the analysis contained in this report. Materials selected by this report have been designed for calculations in this report only. Use of these materials for other purposes have not been considered.



CONCRETE PAD

THREADED RODS SHALL BE EMBEDDED IN SIMPSON SET-XP EPOXY.



THE ARRANGEMENTS DEPICTED HEREIN ARE THE SOLE PROPERTY OF HUNEKE ENGINEERING AND MAY BE USED FOR THIS SPECIFIC PROJECT ONLY. THEY MAY NOT BE REPRODUCED IN ANY FORM, IN PART OR IN WHOLE, WITHOUT THE WRITTEN CONSENT OF HUNEKE ENGINEERING.



HUNEKE ENGINEERING
 60 GAILWOOD, SUITE B
 ST. PETERS, MO 63376
 TEL: 636-441-9000
 FAX: 636-992-9915
 www.HunekeEng.com

Sunbelt Rentals

13084 Gravois Road,
 St. Louis, MO 63127

REVISIONS

Date: 07-13-16
 Drawn by: VTE
 SHEET: **S1.0**

1ST READING 7-12-16

BILL NO. 18 2ND READING 8-9-16

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 4-51 AND 4-52 OF THE SUNSET HILLS CITY CODE RELATING TO PROHIBITED CONDUCT FOR LICENSEES AUTHORIZED TO DISPENSE ALCOHOLIC BEVERAGES.

WHEREAS, state regulations, 11 CSR 70-2.130(14), prohibit a retail licensee for the sale of alcoholic beverages from permitting acts substantially as described herein on any licensed premises; and

WHEREAS, the Board of Aldermen wishes to underscore the importance of all licensees maintaining strict adherence to such standards at all times and enable the Police Department, the administrative arms of the City and the Board of Aldermen to use the regulatory authority vested in them by state law and the ordinances of the City to assure that all licensed premises are operated in a safe and lawful manner;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SUNSET HILLS, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. Sections 4-51 and 4-52 of the Code of Ordinances of the City of Sunset Hills, Missouri, are hereby repealed and new Sections 4-51, 52 are hereby enacted in lieu thereof to read as follows:

Sec. 4-51.- Revocation or suspension

(a) The Board of Aldermen may suspend or revoke any license issued under this Code for any one (1) or more of the following violations by the licensee or his/her employee(s):

(1) Failure to prevent or suppress any violent quarrel, disorder, brawl, fight or other improper or unlawful conduct of any person who is upon the licensed premises;

(2) Failure to immediately report to the proper law enforcement authorities an illegal or violent act that has been committed on or about the licensed premises when the licensee or his/her employee knew or should have known that said act occurred upon the licensed premise;

(3) Failure to cooperate fully with law enforcement authorities during the course of an investigation into an illegal or violent act that was committed on or about the licensed premises;

(4) Permitting the performance of acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sex acts which are prohibited by law;

(5) Permitting upon the licensed premises the display of any portion of the areola of a female breast or permitting a failure to cover the entire areola and entire front of a female breast with opaque clothing;

(6) Permitting upon the licensed premises the actual or simulated touching, caressing or fondling of the breast, buttocks, anus or genitals of a person;

(7) Permitting upon the licensed premises the actual or simulated display of the anus, vulva, genital or pubic hair or permitting a failure to cover pubic hair, anus, vulva or genitals with opaque clothing;

(8) Permitting any person to remain on the licensed premises after that person has exposed to public view any portion of his/her genitals or anus or has failed at any time to have and keep opaque clothing over all parts of his/her genitals and anus;

(9) Permitting upon the licensed premises the display of films, video programs or pictures depicting acts which are prohibited by this Chapter or are offenses involving indecency and obscenity as set forth in the City of Sunset Hills Code, as amended;

(10) Failure to continuously operate the licensed place of business during the term of such license;

(11) Failure to obtain a license from the state supervisor of liquor control;

(12) Making a false affidavit in an application for a license; or

(13) Any violation of the provisions of this Code, including those provisions of this Code relating to the issuance of licenses, or the State laws and regulations governing the sale of intoxicating liquor by the drink.

Sec. 4-52.- Hearing required

No license shall be revoked or suspended until notice in writing is given and a hearing held by the Board of Aldermen to determine whether or not such license should be revoked. The hearing shall be held not less than ten days nor more than 30 days after such licensee is notified. At such hearing, said licensee shall have the right to have counsel and to produce witnesses in his behalf. After such hearing, the Board of Aldermen may determine to revoke or suspend the license of such licensee and its determination shall be final.

Section 2. This ordinance shall take effect and be in full force from and after its passage and approval.

PASSED THIS _____ DAY OF _____, 2016.

MAYOR

APPROVED THIS _____ DAY OF _____, 2016.

MAYOR

ATTEST:

CITY CLERK/CITY ADMINISTRATOR

POLICE MONTHLY STATISTICS

SUNSET HILLS POLICE DEPARTMENT

JULY 2016

Chief of Police William E. LaGrand

PART 1 CRIMES	ACTUAL OFFENSES	YEAR TO DATE	PRIOR YTD
Murder	0	0	1
Arson	0	1	0
Rape	0	0	2
Robbery	1	2	0
Assault	0	2	7
Burglary	0	4	17
Larceny	8	67	107
Motor Vehicle Theft	0	3	2
GRAND TOTAL	9	79	136

TRAFFIC	TOTAL	YTD	PRIOR YTD
Miles Patrolled	22,936	141,584	142,228
Traffic Stops	228	1,953	2,438
Traffic Tickets	257	2,150	2,255
Auto Accidents Reports	85	522	466
Motorists Assisted	105	638	586

INVESTIGATIONS	TOTAL	YTD	PRIOR YTD
Offenses & Incidents	72	545	538
Supplemental Reports	19	154	205
Arrests	55	383	413
Value of Stolen Property	9,552	79,310	188,644
Vacation House Checks	38	183	206

POLICE MONTHLY STATISTICS BY WARD

SUNSET HILLS POLICE DEPARTMENT

JULY 2016

PART 1 CRIMES	WARD 1	WARD 2	WARD 3	WARD 4	ACTUAL OFFENSES
Murder	0	0	0	0	0
Arson	0	0	0	0	0
Rape	0	0	0	0	0
Robbery	1	0	0	0	1
Assault	0	0	0	0	0
Burglary	0	0	0	0	0
Larceny	4	3	1	0	8
Motor Vehicle Theft	0	0	0	0	0
GRAND TOTAL	5	3	1	0	9

**City of Sunset Hills
Public Works Department
Report of City Engineer/Public Works Director**

JULY 2016

Permits Issued

<u>Permit Type</u>	<u>Quantity Issued</u>
Building	20
Excavation	2
Occupancy - Residential	20
Occupancy – Commercial	13
Sign	4

The following reports were not ready at the time the packets were prepared.

- Parks & Recreation Report
- Collectors Report

They will be forwarded prior to the 8/9/16 meeting

8/4/2016

Uncollected License Fees

Business License fees owed for Square Foot, Home Occupation and Units businesses

<u>Total License Fees</u>	<u>Business Type</u>	<u># Owed</u>	<u>Total owed</u>
\$245,218.62	S	2 of 239	\$65.00
\$1,662.60	H	3 of 40	\$310.00
\$8,280.00	U	0 of 4	<u>\$0.00</u>
<u>\$255,161.22</u>			\$375.00

GROSS RECEIPTS BUSINESSES

Total number of businesses	<u>160</u>
Number of businesses 30 days in arrears	2
Number of businesses 60 days in arrears	2
Number of businesses 90 days + in arrears	1

*Gross receipts payments fluctuate on a daily basis

**CITY OF SUNSET HILLS MUNICIPAL COURT
SUMMARY OF FINE AND COST
MONTH OF JULY 2016**

<u>DEPOSIT DATE</u>	<u>CVS</u>	<u>WSF</u>	<u>POST</u>	<u>CT</u>	<u>PD</u>	<u>ISF</u>	<u>CVC</u>	<u>TOTAL DEPOSIT</u>
7/7/2016	163.99	46.00	23.00	2,473.50	46.00	46.00	8.51	2,807.00
7/12/2016	0.00	0.00	0.00	700.00	0.00	0.00	0.00	700.00
7/14/2016	406.41	114.00	57.00	5,233.50	114.00	114.00	21.09	6,060.00
7/15/2016	278.07	78.00	39.00	3,887.00	78.00	78.00	14.43	4,452.50
7/19/2016	171.12	48.00	24.00	3,622.00	48.00	48.00	8.88	3,970.00
7/21/2016	149.73	42.00	21.00	3,292.50	42.00	42.00	7.77	3,597.00
7/22/2016	0.00	0.00	0.00	700.00	0.00	0.00	0.00	700.00
7/22/2016	135.47	38.00	19.00	2,856.00	38.00	38.00	7.03	3,131.50
7/26/2016	71.30	20.00	10.00	700.00	20.00	20.00	3.70	845.00
7/29/2016	156.86	44.00	22.00	3,169.00	44.00	44.00	8.14	3,488.00
<hr/>								
	1,532.95	430.00	215.00	26,633.50	430.00	430.00	79.55	

TOTAL FINE, COURT COSTS AND FEES COLLECTED FOR JULY 2016

\$ 29,751.00

MUNICIPAL DIVISION SUMMARY REPORTING FORM

Refer to instructions for directions and term definitions. Complete a report each month even if there has not been any court activity.

I. COURT INFORMATIONContact information same as last report
Municipality: **Sunset Hills Municipal Court**Reporting Period: **07/01/2016 to 07/30/2016**Mailing Address: 3939 S Lindbergh
Physical Address: 3939 S Lindbergh
Telephone Number: (314) 849-3402Software Vendor: REJIS
County: St. Louis County Circuit: 21st.
Fax Number: (314) 849-8110Prepared by: **Clay**
Municipal Judge(s): W L. HetlageE-mail Address: **clay@sunset-hills.com** iNotes: []
Prosecuting Attorney: Robert Edward Jones**II. MONTHLY CASELOAD INFORMATION**

	Alcohol and Drug Related Traffic	Other Traffic	Non-Traffic Ordinance
A. Cases (Citations/Informations) Pending at start of month	49	2,109	251
B. Cases (Citations/Informations) Filed	5	213	12
C. Cases (Citations/Informations) Disposed			
1. Jury Trial (Springfield, Jefferson & St. Louis County only)	0	0	0
2. Court/Bench Trial - Guilty	0	0	0
3. Court/Bench Trial - Not Guilty	0	0	0
4. Plea of Guilty in Court	4	219	8
5. Violations Bureau Citations and Bond Forfeitures by Court Order (as payment of fines/costs)	0	0	0
6. Dismissed by Court	0	41	2
7. Nolle Prosequi	1	10	1
8. Certified for Jury Trial (not heard in Municipal Div.)	0	0	0
9. TOTAL CASE DISPOSITIONS	5	270	11
D. Cases (Citations/Informations) Pending End of Month (A + B - C9)	49	2,052	252
E. Trial De Novo and/or Appeal Applications Filed	0	0	0

III. WARRANT INFORMATION (Pre and Post Disposition)**IV. PARKING TICKETS**

1. # Issued during reporting period	65
2. #Served/Withdrawn during reporting period	250
3. # Outstanding at end of reporting period (only required for June reporting)	992

Issued

 Court staff does not process parking tickets**V. NET DISBURSEMENTS**

Fines	\$21,778.00	Restitution	\$0.00
Clerk/Court Fee (Costs)	\$2,604.00	Parking Ticket Revenue (including penalties)	<input type="text"/>
Judicial Education Fee (JEF)	\$0.00	Bond Forfeitures (paid to city)	\$1,400.00
<input checked="" type="checkbox"/> Court does not retain funds for JEF		Bond Refunds:	\$1,800.00
Peace Officer Standards and Training (POST) Commission Surcharge	\$217.50	Total Other Disbursements:	\$1,494.66
Crime Victims Compensation (CVC) Fund Surcharge	\$1,554.34		
Law Enforcement Training (LET) Fund Surcharge	\$434.00		
Domestic Violence Shelter Surcharge	\$436.00		
Inmate Prisoner Detainee Security Fund Surcharge	\$434.00		
Sheriffs' Retirement Fund Surcharge	\$0.00	Total Disbursements:	\$32,152.50

MUNICIPAL DIVISION SUMMARY REPORTING FORM

Court Information

Municipality: Sunset Hills Municipal Court

Reporting Period: 07/01/2016 - 07/30/2016

Supplemental

Total Other Disbursements. Enter additional surcharges and/or fees disbursed by the court not listed on the MUNICIPAL DIVISION SUMMARY REPORTING FORM. Use additional forms if necessary and enter the total on the Total Other Disbursements line on the MUNICIPAL DIVISION SUMMARY REPORTING FORM. (Examples include, but are not limited to, arrest costs, witness fees, and board bill/jail costs.)

Other Disbursements

	\$ Amount
Crime Victim Fund City	\$80.66
Special Deterrent	\$600.00
Recoupment	\$764.00
Warrant Fee	\$50.00
Total Other Disbursements	\$1,494.66

Include this total amount under Total Other Disbursements on Municipal Division Summary Reporting Form

1ST READING 8-9-16

BILL NO. 19

2ND READING _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 18, ARTICLE I, SECTION 1 WITH RESPECT TO ALTERNATIVE COMMUNITY SERVICE

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SUNSET HILLS, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1: Chapter 18, Article I, Section 18-13 of the Code of Ordinances shall be amended as follows:

Sec. 18-13. Alternative community service.

- (a) *Authority of municipal judge.* The Judge may order any person who has been convicted, or has received a suspended imposition of sentence for violating an ordinance of the city, whether the original punishment be by fine or imprisonment or both, to perform alternative community service, as defined in this section, as a condition of probation or in lieu of a fine or imprisonment or both.
- (b) *Defined.* Alternative community service may consist of service at charitable and not-for-profit institutions and such other service as may be authorized by the judge; provided, however that at least one such alternative shall be offered at no cost to the defendant.
- (c) *Number of hours.* The judge may determine the number of hours of alternative community service that a person shall perform under this section.

Section 2. All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict repealed.

Section 3. This Ordinance shall take effect and be in full force from and after its passage and approval.

PASSED THIS _____ DAY OF _____, 2016.

MAYOR

APPROVED THIS _____ DAY OF _____, 2016.

MAYOR

ATTEST: _____
CITY CLERK/CITY ADMINISTRATOR

1ST READING 8-9-16

2ND READING _____

BILL NO. 20

ORDINANCE NO. _____

AN ORDINANCE APPROVING AN AMENDED DEVELOPMENT PLAN FOR FRED WEBER REINFORCED CONCRETE PRODUCTS, INC. TO ALLOW DEMOLITION OF AN EXISTING STRUCTURE AND PLACEMENT OF TEMPORARY OFFICE SPACE ON THE PROPERTY AT 12950 GRAVOIS ROAD.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SUNSET HILLS, MISSOURI, AS FOLLOWS:

Section 1: A Development Plan was previously approved in 2006 by the Board of Aldermen for a trailer at 12950 Gravois Road.

Section 2: A public hearing upon the petition of Fred Weber Reinforced Concrete Products, Inc. for an Amended Development Plan to allow demolition of an existing structure and placement of temporary office space was held on August 9, 2016 before the Board of Aldermen of the City of Sunset Hills.

Section 3: The Amended Development Plan submitted by Fred Weber Reinforced Concrete Products, Inc. to allow demolition of an existing structure and placement of temporary office space at 12950 Gravois Road is hereby approved. The Petitioner shall construct a permanent building within 5 years or the Petitioner must apply for another Amended Development Plan. The Board of Aldermen waives the requirement for a sidewalk escrow deposit.

Section 4: This ordinance shall take effect immediately upon its passage and approval.

PASSED THIS ____ DAY OF _____, 2016.

MAYOR

APPROVED THIS ____ DAY OF _____, 2016.

MAYOR

ATTEST:

CITY CLERK/CITY ADMINISTRATOR

P-14-16



4855 New Baumgartner Road * St. Louis, MO 63129
Telephone: 314-892-7400 * Facsimile: 314-892-7727

July 27, 2016

City of Sunset Hills
3939 S. Lindbergh Blvd.
Sunset Hills, MO 63127
Attn: Lynn Sprick

RE: FWRCP Request for Combined Readings and Vote

Dear Lynn,

Fred Weber Reinforced Concrete Products (FWRCP) received your letter regarding the results of the Planning and Zoning Commission's recommendation for approval of our Amended Site Plan. We are very pleased with the result of this meeting. Due to the tight time frame of our project, FWRCP would like to request the Board of Alderman consider suspending the rules to combine the first and second readings and vote on our proposal at the August 9, 2016 meeting. An expedited approval would greatly help getting our offices operational.

Thank you for the consideration, and please if you have any questions or concerns, contact me at (314) 892-7400.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. Ax".

Michael J. Ax, PE
Vice President
An Equal Opportunity Employer





3939 S. Lindbergh Blvd
314-849-3400

FILE NO. P-19-16
DATE 6-14-16
FEE \$250

AMENDED DEVELOPMENT PLAN

1 Applicant's Name Fred Weber Reinforced Concrete Products

2. Mailing Address 4855 Baumgartner Road, St. Louis, MO 63129 Phone (314) 892-7400

3 Agent's Name and Address Michael J. Ax, P.E.
(if different than Applicant)

4. Property Owner's Name BECO ACQUISITION CO, LLC

5. Address of Property 12950 Gravois Road, St. Louis, MO 63127

6. Area of Property 35.96 Acres

7. Current Zoning PD-LI Proposed Zoning No Change

8. Remarks and Reasons See Attached Description

9. Legal Description (to be attached)

10. Scale Drawings of Property and Proposed Development Plans (to be attached)

11. Fee: Area of ten acres or less \$250.00. Area of more than ten acres \$250.00 plus \$25.00 for each acre or fraction thereof over ten acres.

I hereby state that I have read all applicable sections of the Zoning Ordinances of the City of Sunset Hills and can comply with all requirements of those regulations. I also certify that all statements made on this application are true and that I have a legal right to make this application.

Signature: 

P-19-16

Title: Amended Development Plan to allow the demolition of an existing structure and placement of a temporary office at 12950 Gravois Road.

Petitioner: Michael Ax, Fred Weber Reinforced Concrete Products
4855 Baumgartner Road
St Louis, Missouri 63129

Owner: BeCo Acquisition Co LLC, c/o Fred Weber Inc. /Douglas Weible
2320 Creve Coeur Mill Rd
Maryland Heights, Missouri 63043

Date: July 2016



Summary:

This petition is for an Amended Development Plan for property at 12950 Gravois Road. The property is located on the south side of Gravois Road, approximately 470 feet west of Gravois Industrial Court. The property is currently zoned PD-LI Planned Development - Light Industrial, except for a small area, which is zoned R-2 Single Family Residential, 20,000 square foot minimum lot size and is not being affected by this amendment. The property to the southwest is zoned NU Non-urban 3 acre minimum lot size. All other surrounding properties are zoned PD-LI.

Staff analysis:

Independent Concrete Pipe previously owned this property. The last petition for this property was in 2006 (P-22-06) for a trailer, which was used for office space and truck dispatch. That structure has since been removed.

Fred Weber has now purchased the property. This Amended Development Plan is to demolish an existing structure on the property and install temporary office space. It is the applicant's goal to have a permanent office facility within five (5) years.

Per Appendix B Zoning Regulations, Section 4.10-25 Changes and amendments to final development plan:

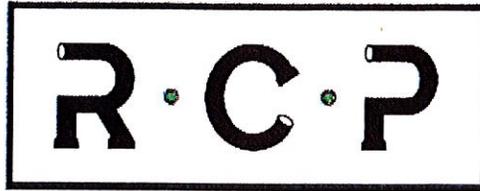
- (A) Minor changes: Minor changes in the location, siting and height of buildings and structures may be authorized by the zoning enforcement officer if required by engineering or other circumstances not foreseen at the time the final plan was approved. No change authorized by this section shall cause any of the following:
 1. A change in the use or architectural character of the development, including changes in any exterior finish material approved by the board;
 2. An increase in building or site coverage;
 3. An increase in the intensity of use (e.g., number of dwelling units);

4. An increase in vehicular traffic generation or significant changes in traffic access and circulation;
 5. A reduction in approved open space or required buffer areas; or
 6. A change in the record plat.
- (B) Plan amendments: All proposed changes in use, or rearrangement of lots, blocks and building tracts, changes in the provision of common open spaces, and changes which would cause any of the situations listed under paragraph (A) above shall be subject to approval by the board. In such event, the applicant shall file a revised development plan and be subject to the requirements of this section as if it were an entirely new application.

This property is affected by 100 year flood plain, however, the building site is above the base flood elevation and not considered to be affected by 100 year flood plain.

Therefore, the City has no additional elevation requirements for the proposed structure.

FRED WEBER



REINFORCED CONCRETE PRODUCTS INC.

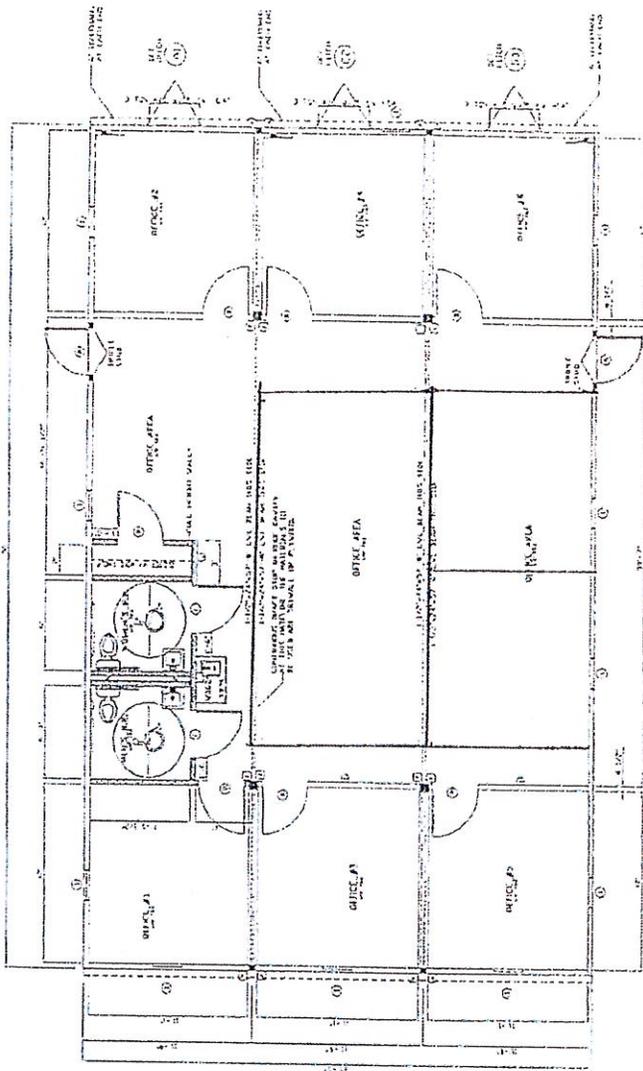
4855 New Baumgartner Road * St. Louis, MO 63129
Telephone: 314-892-7400 * Facsimile: 314-892-7727

Proposed Amended Development Plan

Fred Weber Reinforced Concrete Products
12950 Gravois Road
St. Louis, MO 63127

Fred Weber Reinforced Concrete Products (FWRCP) is proposing the following modifications to the development plan for 12950 Gravois Road, previous Independent Concrete Pipe Plant. FWRCP is in the process of moving the operation from Baumgartner Road to the Gravois Plant. As a result of the flooding in December, the previous office space has been destroyed. A new office space will be required to resume operations at the plant. The following changes are being proposed:

- Remove existing building (house/office building) that is located near the front of the property.
- FWRCP would like to install temporary office space just west of the existing house that will be removed. The office space is shown on the drawings and an example of the floor plan is attached. Due to the considerable investment in rebuilding this plant. The temporary office space is needed until funds are available to build a permanent office space for the site. It would be FWRCP's goal to build a permanent site within 5 years.
 - Lighting – Two dusk to dawn lights that are currently on the property will remain in service to continue to light the parking area. In addition to these lights, two additional wall pack units will be mounted on the office building to add to the lighting for the parking area. All lighting requirements for the office will be met.
 - Sidewalk – FWRCP is aware of the Ordinance No. 1949 and want to comply. Due to the entire frontage of the property being a paved entrance, it's not clear how the sidewalk would be constructed. We would like to have further discussions regarding this because the traffic from the property would most likely tear up the sidewalk.



FLOOR PLAN

NOTES:

1. NO HOLD BACK, SUP LUBRIC SLAM BARRIER & FASTENERS
2. PEOPLE STUB & EXTENSOR STUBS TO 40" AFT IN R.P.
3. 1" DIA. 1/2" THICK FLOOR CLIP
4. 5/8" DIA. 1/2" THICK FLOOR CLIP
5. PROVIDE VERTICAL CORNER BRASS
6. 9'-0" HEIGHT INTERIOR WALL - ALL DIMS 7'-11"
7. MOST LINE COLUMNS ARE NOT REMOVABLE

COLUMN STRAPPING SCHEDULE

- ① - 10 2x4 1/2" DIA. 1/2" THICK
- ② - 10 2x4 1/2" DIA. 1/2" THICK
- ③ - 10 2x4 1/2" DIA. 1/2" THICK
- ④ - 10 2x4 1/2" DIA. 1/2" THICK
- ⑤ - 10 2x4 1/2" DIA. 1/2" THICK
- ⑥ - 10 2x4 1/2" DIA. 1/2" THICK
- ⑦ - 10 2x4 1/2" DIA. 1/2" THICK
- ⑧ - 10 2x4 1/2" DIA. 1/2" THICK
- ⑨ - 10 2x4 1/2" DIA. 1/2" THICK
- ⑩ - 10 2x4 1/2" DIA. 1/2" THICK

FORM & MATERIAL SCHEDULE

ITEM	QUANTITY	DESCRIPTION	UNIT	PRICE	TOTAL
1	10	2x4 1/2" DIA. 1/2" THICK	EA	1.50	15.00
2	10	2x4 1/2" DIA. 1/2" THICK	EA	1.50	15.00
3	10	2x4 1/2" DIA. 1/2" THICK	EA	1.50	15.00
4	10	2x4 1/2" DIA. 1/2" THICK	EA	1.50	15.00
5	10	2x4 1/2" DIA. 1/2" THICK	EA	1.50	15.00
6	10	2x4 1/2" DIA. 1/2" THICK	EA	1.50	15.00
7	10	2x4 1/2" DIA. 1/2" THICK	EA	1.50	15.00
8	10	2x4 1/2" DIA. 1/2" THICK	EA	1.50	15.00
9	10	2x4 1/2" DIA. 1/2" THICK	EA	1.50	15.00
10	10	2x4 1/2" DIA. 1/2" THICK	EA	1.50	15.00

FOREST RIVER Plumbing & Heating, Inc.
 2801 OAKLAND AVENUE
 ELKHART, INDIANA 46517
 (574) 525-4011

CUSTOMER: CL CAPITAL

CONTRACT: MKC

MODEL: 3660 OFFICE W/ ONE R.R.

SCALE: 3/16" = 1'-0"

DRAWING BY: RUDY

DATE: 01/05/06

APPROVED: N/A

SHEET: 2 OF 7

DRAWING: LPLX3660P

1ST READING

8-9-16

2ND READING

BILL NO. 21

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 10.5 OF APPENDIX B OF THE CODE WITH RESPECT TO RESTORATION OF DAMAGE OR SUBSTANDARD CONDITIONS AFFECTING NON-CONFORMING STRUCTURES.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SUNSET HILLS, MISSOURI, AS FOLLOWS:

Section 1: The petition of the City of Sunset Hills for a text amendment was presented to the Planning and Zoning Commission of the City of Sunset Hills on August 3, 2016. The Planning and Zoning Commission recommended approval of the petition for a text amendment.

Section 2: A public hearing upon the petition of the City of Sunset Hills for a text amendment was held on August 9, 2016 before the Board of Aldermen of the City of Sunset Hills.

Section 3: Appendix B, Section 10.5 shall be amended as follows:

- **10.5 - Damage or substandard conditions.**

10.5-1

Damage less than fifty (50) percent of replacement value: Nothing in this Section shall be deemed to prohibit the restoration of any structure and its use where such structure has been damaged, by any means, to an extent less than fifty (50) percent of its replacement value (excluding the value of the land, the cost of preparation of land, and the value of any reusable foundation associated with such structure) at the time of damage, as determined by the zoning enforcement officer; provided, however, that the restoration of such structure and its use in no way increases any former non-conformity, and provided that restoration of such structure is begun within six (6) months of such damage and diligently prosecuted to completion within two (2) years following such damage.

10.5-2

Damage greater than fifty (50) percent of replacement value: Whenever such structure has been damaged, by any means, to an extent of more than fifty (50) percent of its replacement value (excluding the value of the land, the cost of preparation of land and the value of any reusable foundation associated with such structure) at the time of damage, as determined by the zoning enforcement officer, the structure and use thereof shall not be restored except in full conformity with the regulations of this ordinance. Notwithstanding the foregoing, the prohibition on restoration shall not apply to condominiums developed under Chapter 448 RSMo. et seq.

10.5-3

Substandard conditions: When a structure is determined by the zoning enforcement officer, to be in violation of the building code or any applicable health or safety code, and the cost of placing the structure in condition to satisfy the standards under such codes exceeds fifty (50) percent of its replacement value (excluding the value of the land, the cost of preparation of land and the value of any reusable foundation associated with such structure), as determined by the zoning enforcement officer, the structure and use thereof shall not be restored except in full conformity with the regulations of this ordinance. Notwithstanding the foregoing, the prohibition on restoration shall not apply to condominiums developed under Chapter 448 RSMo. et seq.

Section 4: This Ordinance shall take effect immediately upon its passage and approval.

PASSED THIS ____ DAY OF _____, 2016.

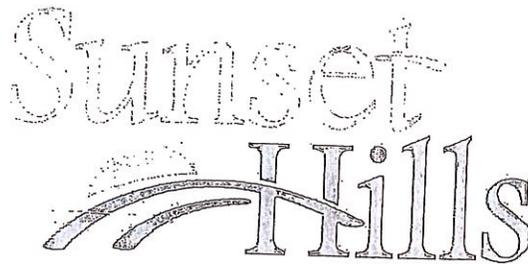
MAYOR

APPROVED THIS ____ DAY OF _____, 2016.

MAYOR

ATTEST:

CITY CLERK/CITY ADMINISTRATOR



3939 S. Lindbergh Blvd.
314-849-3400

FILE NO. P-24-16
DATE 7-13-16
FEE N/A

**AMENDMENT TO ZONING REGULATIONS
(TEXT AMENDMENT)**

1. Applicant's Name City of Sunset Hills

2. Mailing Address 3939 S. Lindbergh Blvd Phone 849-3400

3. Agent's Name and Address _____
(If different than Applicant)

4. Existing Text Appendix B Sec 10.5-2 & 10.5-3

5. Proposed Text _____

6. Address/Location of Property that would be affected (if applicable) Benbury Condos

7. Remarks and Reasons _____

8. Fee: \$150 for zoning (text) amendments without any regard to a specific piece of property

I hereby state that I have read all applicable sections of the Zoning and Subdivision Ordinances of the City of Sunset Hills which are related to the proposed amendment. I also certify that all statements made on this application are true and that I have a legal right to make this application.

Signature: _____

P-24-16

Title: Amendment to Zoning Regulations (Text Amendment) to Appendix B, Section 10.5 Non-Conforming Situations, Damage or Substandard Conditions, to allow restoration/repair to condominiums developed under Chapter 448 RSMo et seq.

Petitioner: City of Sunset Hills
3939 South Lindbergh Boulevard
Sunset Hills, Missouri 63127

Date: August 2016

Summary:

This petition is for an Amendment to the Zoning Regulations, known as a text amendment. The City is proposing revisions to Section 10 Non-Conforming Situations, 10.5 Damage or substandard conditions. It would apply to various properties throughout the City.

Staff analysis:

There are a number of condominium developments in the City, a few of which were constructed prior to the property being annexed. At the time of annexation, cities apply the most appropriate zoning district to the property. At the time of annexation into the City of Sunset Hills, these properties were given a zoning designation of either Single Family Residential or Commercial. The City of Sunset Hills does not have a multi family zoning designation. Any multi family developments created in the City have been part of a Planned Development. As a result of these actions, the properties are non-conforming.

by the zoning enforcement officer, the structure and use thereof shall not be restored except in full conformity with the regulations of this ordinance.

Notwithstanding the foregoing, the prohibition on restoration shall not apply to condominiums developed under Chapter 448 RSMo et seq.

(text in red is proposed)

Therefore, any existing condominium, developed under Chapter 448 RSMo et seq, receiving damage or requiring repairs exceeding (fifty percent) 50% the replacement value of the structure (as determined by the St. Louis County Assessor's Office), would be considered non-conforming and demolition would be required, because the repaired condominium could not "be in full conformity with the regulations of this ordinance." To reiterate, the properties are zoned Single Family Residential or Commercial and those districts *do not* allow multi family or attached dwellings.

The City is requesting a text amendment to Section 10.5, which would allow repair and/or restoration to existing condominiums, which were developed under Chapter 448 RSMo et seq. The amendment is an addition (shown in red above) to the existing ordinance. The amendment will not affect other non-conforming situations or properties in violation of current zoning requirements.

RESOLUTION NO. 391

**RESOLUTION APPROVING A LETTER OF ENGAGEMENT
FOR HILLTOP SECURITIES TO SERVE AS UNDERWRITER
FOR A REFUNDING OF THE SERIES 2009 CERTIFICATES
OF PARTICIPATION**

WHEREAS, the Board of Aldermen has determined that it is appropriate to pursue a potential refunding for the City's outstanding series 2009 certificates of participation due to a favorable rate climate; and

WHEREAS, Hilltop Securities is a qualified institution to act as a principal underwriter to purchase securities for resale to investors in an arm's length transaction between Hilltop Securities and the Issuer.

**NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF ALDERMEN
HEREBY AUTHORIZES THE MAYOR TO PROVIDE A LETTER OF ENGAGEMENT
TO HILLTOP SECURITIES ON BEHALF OF THE CITY OF SUNSET HILLS.**

PASSED by the Board of Aldermen this 9th day of August, 2016.

Mayor

ATTEST:

City Clerk/City Administrator

Sunset Hills, MO
\$9.8 million COP Refunding

Costs of Issuance Estimate

	\$ Dollars
Bond Counsel/Disclosure Counsel	55,000.00
Trustee/Escrow Agent	1,500.00
Title Policy Endorsement	5,000.00
Escrow Verification Agent	2,500.00
Rating Fee	16,000.00
TOTAL	<u><u>80,000.00</u></u>

Underwriter's Discount Estimate

	\$ Dollars
Takedown	41,118.75
Management Fee	15,000.00
Expenses	2,798.36
TOTAL	<u><u>58,917.11</u></u>

Grand Total:	138,917.11
---------------------	-------------------



HilltopSecurities

A Hilltop Holdings Company.

Contacts

Reagan Holliday

Managing Director

Direct: 314.542.3093

Mobile: 314.477.8168

reagan.holliday@hilltopsecurities.com

Chris Collier

Managing Director

Direct: 314.542.3092

Mobile: 314.494.2096

chris.collier@hilltopsecurities.com

St. Louis Office: 111 Westport Plaza Drive, Suite 600, St. Louis MO 63146

August 1, 2016



Lease Purchase Financings

Security – Lease financings are payable from any legally available funds. No "pledge" of revenues. Rental payments are subject to annual appropriation each year.

Additional Security / Collateral

- Financed property (like a mortgage)

Maximum Maturity

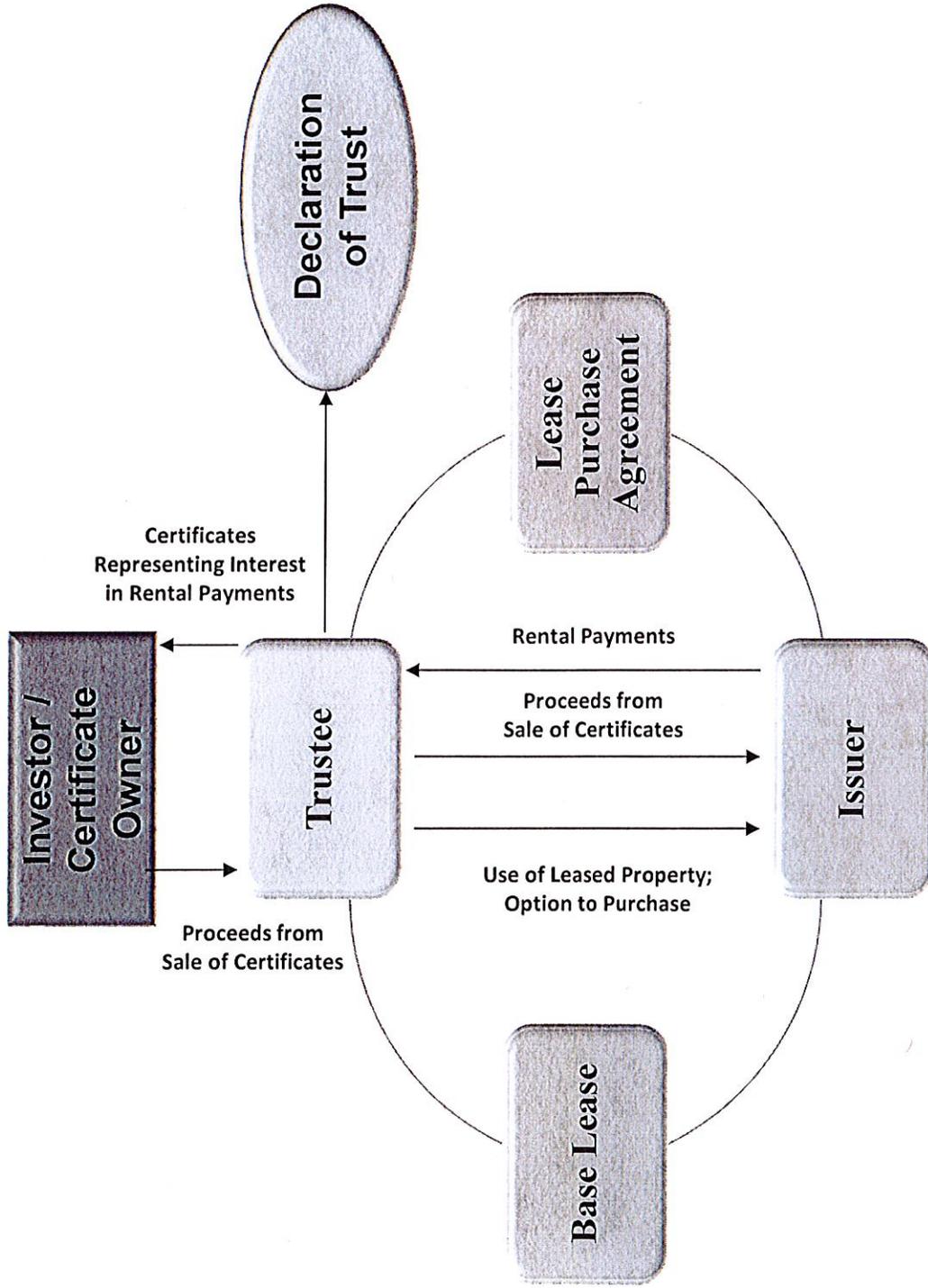
- No statutory limit

No Voter Approval Required

- Not considered "indebtedness" under the Constitution
- No obligation to make payments beyond current year

Lease Purchase Financings

Certificates of Participation Structure



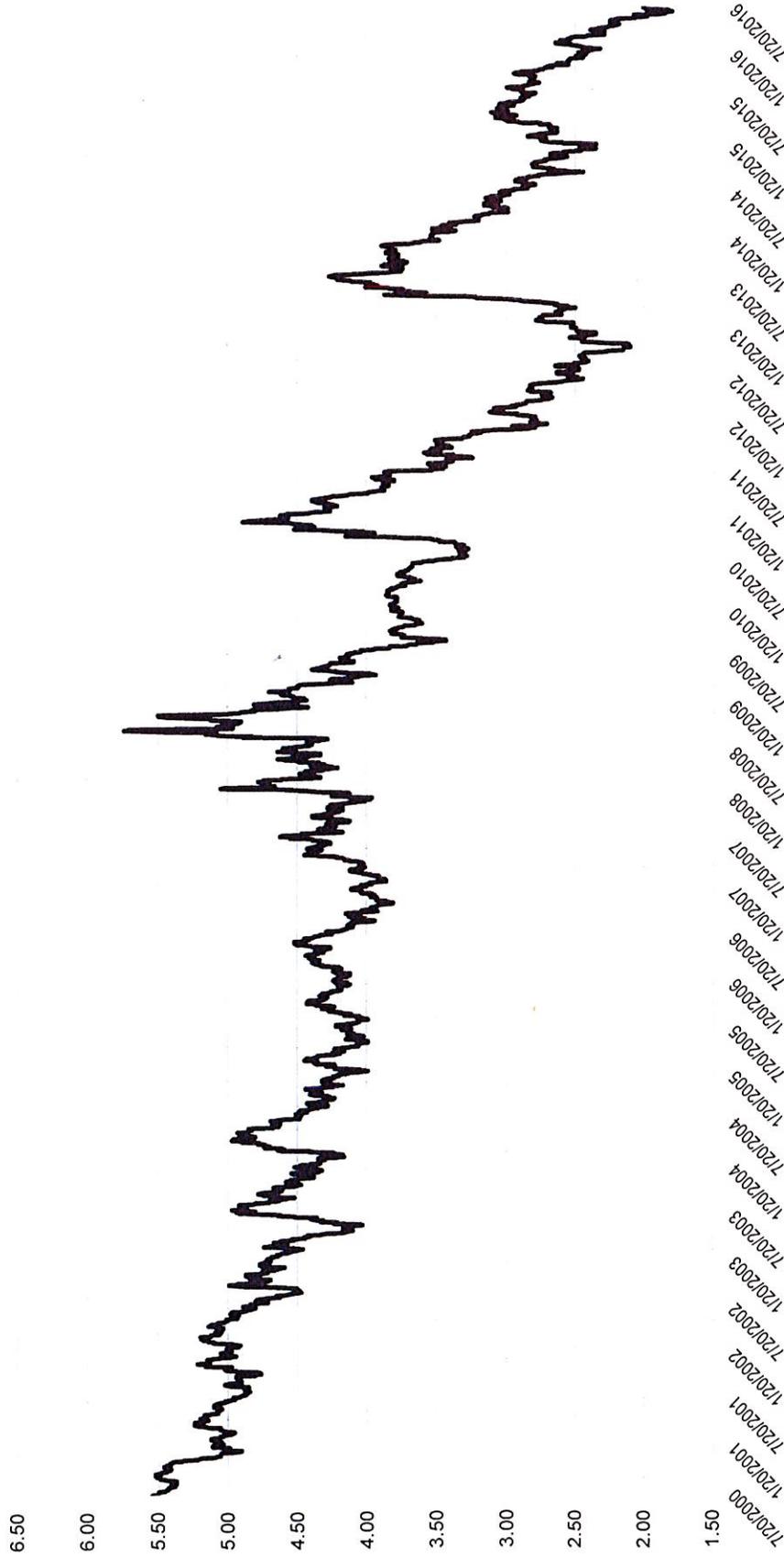
Comparison of Financing Methods

	G.O. Bonds	Revenue Bonds	Lease-Purchase (Direct)	Lease-Purchase (COPs)
Viewer Approval	Super Majority	Simple Majority	None(*)	None(*)
Debt Limit Applies	Yes	No	No	No
Interest Rates	Lowest	Lower than lease-purchase	Generally Higher	Generally lower than direct lease-purchase
Maximum Maturity	20 years	35 years	No statutory limit	No statutory limit
Closing Costs	Lower	Usually higher than G.O. Bonds	Equipment-only: Lower (compares to G.O. Bonds) Real Property: Higher	Higher than others

* Election may be required for revenue source for repayment, such as a sales tax, which requires a simple majority for approval (so long as not "pledged" to repayment).

Change in 20-Year MMD Since May 1, 2013

AAA GO 20 Year MMD
July 21, 2000 to July 21, 2016



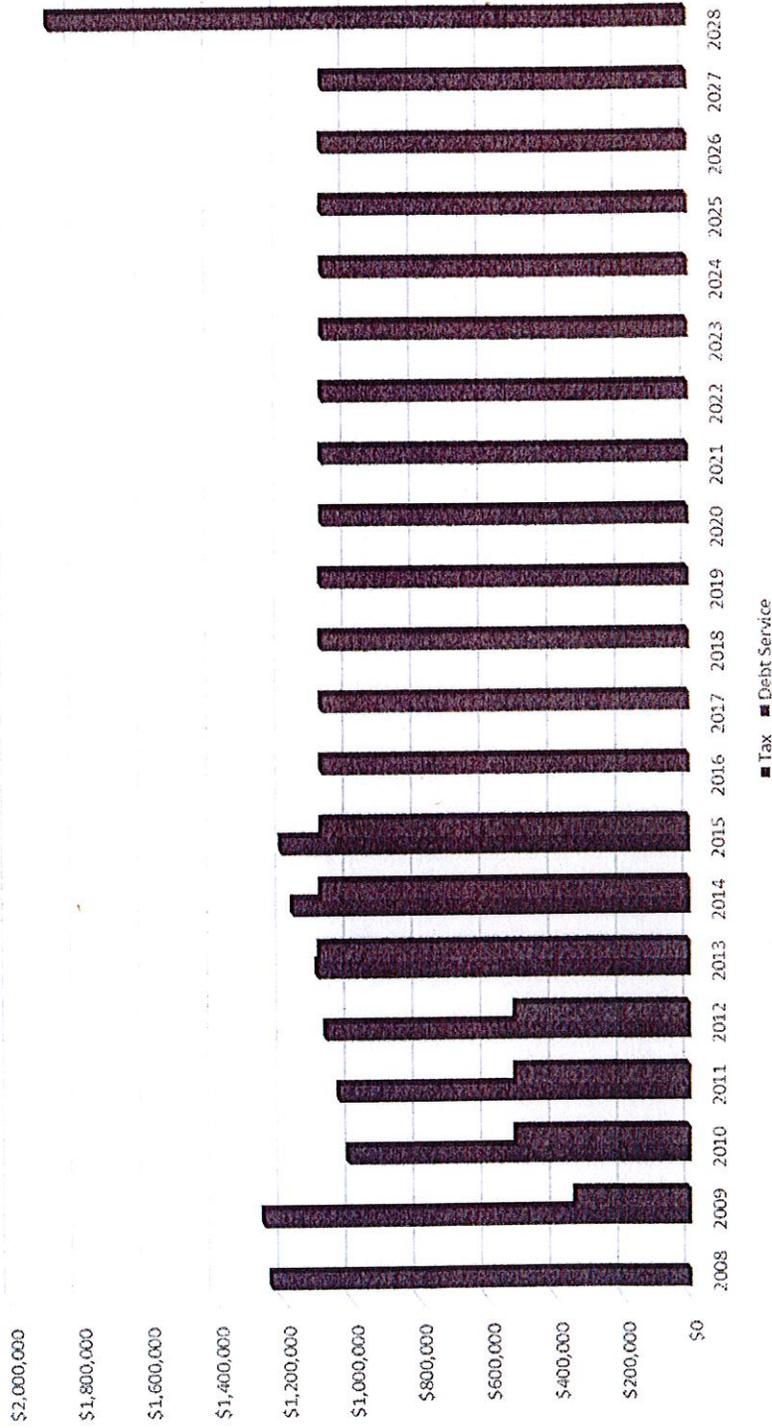
Refunding Bonds

- Refunding is a procedure whereby an issuer refinances outstanding bonds by issuing new bonds. There are generally two major reasons for refunding: to reduce the issuer's interest costs or to remove a burdensome or restrictive covenant imposed by the terms of the bonds being refinanced.
- The proceeds of the new bonds are either (1) deposited in escrow to pay the debt service on the outstanding bonds when due in an "advance refunding" or (2) used to promptly (typically within 90 days) retire the outstanding bonds in a "current refunding."
- Advance refundings permit issuers to lock in lower interest rates, while still honoring the call protection on the outstanding bonds. When advance refunding bonds are issued, the prior bonds (refunded bonds) remain outstanding until they are called and replaced by the advance refunding bonds. However, the debt service on the prior bonds is paid from the escrow funded by the new bond issues. The issuer is then only responsible for paying debt service on the new bond issue.
- Section 149(d)(3) of the Internal Revenue Code limits the number of times governmental bonds may be advance refunded to **once** during the life of the bond issue.



Storm Water Control and Local Park Tax Revenue Versus Annual Debt Service

City of Sunset Hills, MO



- Tax revenues decreased by almost 20% in 2010, but have since increased annually by 3.60%.
- Tax is currently set to expire on September 30, 2027.
- 2009 COPS are structured with a Debt Service Reserve Fund (\$1.09M) which would be applied to the 2028 payment



Refunding Summary

Year	Series 2009 COPs Interest Rate	Estimated HilltopSecurities Coupons (A- rating)	Estimated HilltopSecurities Yields (A- rating)
3/1/2017	-	1.000%	1.020%
3/1/2018	-	1.050%	0.940%
3/1/2019	4.000%	1.150%	1.060%
3/1/2020	4.000%	1.300%	1.210%
3/1/2021	4.000%	1.500%	1.380%
3/1/2022	4.150%	1.700%	1.630%
3/1/2023	4.250%	1.850%	1.860%
3/1/2024	4.350%	2.000%	1.950%
3/1/2025	4.450%	2.100%	2.050%
3/1/2026	4.550%	2.200%	2.150%
3/1/2027	4.625%	2.300%	2.250%
3/1/2028	4.700%	2.400%	2.320%
Average Interest Rate	4.470%	2.096%	

Level Savings Solution

Refunded Par (\$)	\$	9,205,000
Cashflow Savings (\$)	\$	1,087,719
Present Value Savings (\$)	\$	970,368
Present Value Savings (%)		10.542%

Interest and SLGs rates as of 7.19.16. Preliminary, Subject to Change.

Assumes a level savings structure, refunding all callable bonds and an A- rating.

Disclosure

DISCLOSURE: Hilltop Securities Inc. ("HilltopSecurities") is providing the information contained in this document for discussion purposes only in anticipation of serving as underwriter to the Issuer. As an underwriter, HilltopSecurities' primary role is to purchase securities for resale to investors in an arm's length transaction between the Issuer and HilltopSecurities. HilltopSecurities' financial and other interests will differ from those of the Issuer and therefore, HilltopSecurities will not serve as a municipal advisor, financial advisor, or fiduciary to the Issuer or any other person or entity on such transaction, regardless of whether HilltopSecurities or its representatives or affiliates have advised or are advising any such parties on other matters. The information provided herein is not intended to be and should not be construed as "advice" within the meaning of Section 15B of the Securities and Exchange Act of 1934. The Issuer should consult with its own financial, municipal, legal accounting, tax and/or other advisors, as applicable, to the extent it deems appropriate. If the Issuer would like a municipal advisor that has legal fiduciary duties to the Issuer, the Issuer should consider engaging a municipal advisor to serve in that capacity. HilltopSecurities will not have any duties or liability to any person or entity in connection with the information being provided herein. The information provided in this document is indicative only and constitutes our judgment as of this date based on current market conditions and other information available to us.



HilltopSecurities
A Hilltop Holdings Company.

AGENDA
BOARD OF ALDERMEN

A closed meeting of the Sunset Hills Board of Aldermen will be held Tuesday, September 13 and September 27, 2016, in the Conference Room at Sunset Hills City Hall, 3939 South Lindbergh Boulevard, immediately following adjournment of the regular meeting which commences at 7:00 p.m. There will also be closed votes, if any, and a closed record of said meeting.

The subject matters of said meeting are (a) litigation in which the City is a party or in which the City is contemplated as a party, (b) hiring, firing, disciplining or promoting of particular employees, (c) leasing, purchase or sale of real estate, and d) proposals and negotiations for contracts, which are the subject matters of closed meetings, votes and records under R.S.Mo. 610.021(1), (2), (3) and (12).

HALL + ASSOCIATES, L.L.C.

LAND PLANNING
LANDSCAPE

ARCHITECTURE

August 3, 2016

Mayor Patricia Fribis
City of Sunset Hills
3939 S. Lindbergh Boulevard
Sunset Hills, Missouri 63127

RE: Bills 6 & 7, George Despotis for the Olga Despotis Trust, 12405,12411 & 12417 West Watson Road

Dear Mayor Fribis:

As you and the other members of the Board of Aldermen will recall, Dr. George Despotis had previously requested that the second reading of above referenced bills, for our commercial rezoning request, be postponed until further notice.

Subsequent to the Board's approval of that request, the petitioner and Mr. Rick Randall, of PACE Properties, have been in discussions with Pulte Homes about the possibility of incorporating a residential component into our overall development proposal. The particulars of that conceptual proposal will be forwarded to you and the Board of Aldermen under a separate cover by Pulte Homes.

In the interim, we request that the second reading of the above referenced bills continue to be postponed until the feasibility of this more comprehensive proposal can be assessed pursuant to a preliminary conceptual review by the Board.

Thank you for your consideration.

HALL + ASSOCIATES, L.L.C.



James R. Hall, Principal