CITY OF SUNSET HILLS

BOARD OF ALDERMEN

A G E N D A

March 8, 2016

7:00 P.M.

1. Pledge of Allegiance

2. Roll Call

3. Approval of the minutes of February 9, 2016 and February 23, 2016 work session.

4. Requests to be heard:

   a) Request from Laumeier Sculpture Park for temporary signage for their annual Art Fair, May 6-8, 2016.

   b) Laumeier Sculpture Park for temporary liquor license to serve alcohol at their annual Art Fair May 6-8, 2016.

   c) Request from Alpha Brewing Company for a temporary liquor license to serve alcohol at the special event Laumeier Art Fair May 6-8, 2016.

   d) Request from 4 Hands Brewing Company for a temporary liquor license to serve alcohol at the special event Laumeier Art Fair May 6-8, 2016.

   e) Request from Memories Car Club to hold their annual car cruise at the Faith Community Center on the first Friday of each month running April through October, 2016.

5. PUBLIC HEARING: The Board will consider a petition for an amended development plan submitted by Sol Spaces LLC, for a vestibule addition to the existing building at 12970 Maurer Industrial Drive.

PUBLIC HEARING: The Board will consider a petition for an amended conditional use permit, submitted by Momellow Holdings LLC, for landscaping revisions at 3811 South Lindbergh Blvd.

6. Old Business:

Bill No. 49- An ordinance granting an amended conditional use permit to Southview School for classroom and parking lot renovations and additions to the existing school at 11660 Eddie and Park Road.
SECOND READING

7. City Official and Committee Reports:

- ⇒ **IPM Administration Consultant, Robert Heacock**
- ⇒ **Deputy City Clerk, Lori A. Stone**
- ⇒ **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 Fribis**
b) **Economic Development Committee – Alderman Gau**
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. 50- An ordinance approving an amended development plan for SOL Spaces LLC to add a vestibule to the existing building on the property at 3811 S. Lindbergh Boulevard.
FIRST READING

Bill No. 51- An ordinance granting an amended conditional use permit to Momellow Holdings LLC for operation of a restaurant at 3811 S. Lindbergh Boulevard and 12408 Maret Drive.
FIRST READING

Bill No. 52- An ordinance regarding open and honest government through online transparency to public information and documents.
FIRST READING

Bill No. 53- An ordinance authorizing the City of Sunset Hills to execute a contract retaining special legal counsel for the limited purpose of providing advice and direction with respect to bond and investment compliance standards.
FIRST READING

Resolution No. 376- A resolution declaring Parks Department surplus property and authorizing the sale of such property.

Resolution No. 377- A resolution declaring Police Department surplus property and authorizing the sale of such property.

Resolution No. 378- A resolution authorizing payment to MO. Rural Services Workers Compensation Insurance Trust in the amount of $86,223.00

Proclaim the month of April as "Arbor Month"

9. **Requests to be heard – Non Agenda Subject**

10. **Invoices to be approved.**

11. **Appointments**

    a.) Casey Wong - Personnel Committee to replace Robert Beumer
    b.) Kelly Snyder - Police Advisory Board to replace Christy Jaeger

12. **Reappointments**

    None

13. **A motion to hold a closed meeting, vote and record immediately following Adjournment of the March 22, 2016, April 12 and April 26, 2016 meetings.**

14. **Adjournment**

PUBLIC HEARING NOTICE

NOTICE IS HEREBY GIVEN THAT AT 7:00 P.M. ON TUESDAY, MARCH 8, 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 A PETITION FOR AN AMENDED DEVELOPMENT PLAN, SUBMITTED BY SOL SPACES LLC, FOR A VESTIBULE ADDITION TO THE EXISTING BUILDING AT 12970 MAURER INDUSTRIAL DRIVE. 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-04-16

PUBLIC HEARING NOTICE

NOTICE IS HEREBY GIVEN THAT AT 7:00 P.M. ON TUESDAY, MARCH 8, 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 A PETITION FOR AN AMENDED CONDITIONAL USE PERMIT, SUBMITTED BY MOMELLOW HOLDINGS LLC, FOR LANDSCAPING REVISIONS AT 3811 SOUTH LINDBERGH BLVD. 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-05-16

1ST READING 2-9-16

BILL NO. 49
ORDINANCE NO. _____ 2ND READING 3-8-16

AN ORDINANCE GRANTING AN AMENDED CONDITIONAL USE PERMIT TO SOUTHVIEW SCHOOL FOR CLASSROOM AND PARKING LOT RENOVATIONS AND ADDITIONS TO THE EXISTING SCHOOL AT 11660 EDDIE AND PARK ROAD.

WHEREAS, Petitioner has heretofore filed an application for an Amended Conditional Use Permit for a classroom and parking lot renovations and additions to the existing school at 11660 Eddie and Park Road. The application was considered by the Planning and Zoning Commission of the City of Sunset Hills, and its report and recommendation for approval has been presented to the Board of Aldermen. Thereafter, a public hearing was scheduled in accordance with the provisions of the Zoning Regulations, Appendix B of the Code of Ordinances, before the Board of Aldermen, and evidence was presented at such hearing held on February 9, 2016.

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 "R-4" Single Family Residential.

2. The Amended Conditional Use Permit Application requests the right to construct classroom and parking lot renovations and additions to the existing school at 11660 Eddie and Park Road.

3. The Planning and Zoning Commission has recommended that the Amended 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, it is the finding of the Board that:

(A) THE PROPOSED CONDITIONAL USE WILL NOT SUBSTANTIALLY INCREASE TRAFFIC HAZARDS OR CONGESTION.

(B) THE PROPOSED CONDITIONAL USE WILL NOT SUBSTANTIALLY INCREASE FIRE HAZARDS.

(C) THE PROPOSED CONDITIONAL USE WILL NOT ADVERSELY AFFECT THE CHARACTER OF THE NEIGHBORHOOD.

(D) THE PROPOSED CONDITIONAL USE WILL NOT ADVERSELY AFFECT THE GENERAL WELFARE OF THE COMMUNITY.

(E) THE PROPOSED CONDITIONAL USE WILL NOT OVERTAX PUBLIC UTILITIES.

(F) THE PROPOSED CONDITIONAL USE WILL NOT CONFLICT WITH STANDARDS CONTAINED IN SUBSECTIONS 7.3-2 AND 7.3-3.

(G) THE PROPOSED CONDITIONAL USE WILL NOT 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, an Amended Conditional Use Permit shall issue to Petitioner herein as requested, subject to the following conditions, to-wit:

None.

PASSED this _____ day of _____, 2016._____
MAYOR

APPROVED this _____ day of _____, 2016. _____
MAYOR

ATTEST: _____
DEPUTY CITY CLERK

Petitioner has requested Bill 50 be read twice

1ST READING 3-8-16

2ND READING _____

BILL NO. 50

ORDINANCE NO. _____

AN ORDINANCE APPROVING AN AMENDED DEVELOPMENT PLAN FOR SOL SPACES, LLC TO ADD A VESTIBULE TO THE EXISTING BUILDING ON THE PROPERTY AT 3811 S. LINDBERGH BOULEVARD.

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 by the Board of Aldermen for a building at 3811 S. Lindbergh Boulevard.

Section 2: A public hearing upon the petition of Sol Spaces, LLC for an Amended Development Plan to add a vestibule to the existing building was held on March 8, 2016 before the Board of Aldermen of the City of Sunset Hills.

Section 3: The Amended Development Plan submitted by Sol Spaces, LLC to add a vestibule to the existing building at 3811 S. Lindbergh Boulevard is hereby approved. The Petitioner shall not be required to construct a masonry dumpster enclosure.

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

Petitioner has requested Bill 51 be read twice

1ST READING 3-8-16

BILL NO. 51
ORDINANCE NO. _____ 2ND READING _____

AN ORDINANCE GRANTING AN AMENDED CONDITIONAL USE PERMIT TO MO MELLOW HOLDINGS, LLC FOR OPERATION OF A RESTAURANT AT 3811 S. LINDBERGH BOULEVARD AND 12408 MARET DRIVE.

WHEREAS, a petition was received from MO Mellow Holdings, LLC for an amended conditional use permit for a restaurant at 3811 S. Lindbergh Boulevard and 12408 Maret Drive; 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 February 3, 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 March 8, 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 Amended Conditional Use Permit Application requests the right to operate a restaurant in a building at 3811 S. Lindbergh Boulevard and 12408 Maret Drive.

3. The Planning and Zoning Commission has recommended that the Amended 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, an Amended 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. An amended conditional use permit, subject to the conditions hereinafter specifically set forth, is hereby granted to MO Mellow Holdings, LLC, to use the premises in the City of Sunset Hills, Missouri, known as 3811 S. Lindbergh Boulevard and 12408 Maret Drive for operation of a restaurant, as is made and provided for in the zoning regulations, Appendix B of the Code of Ordinances.

Section 2. The amended 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 amended conditional use permit hereby issued and referred to in Section 1, shall be valid only if the following conditions are observed by permittee:

a: Permittee shall install along Maret Drive a six foot tall privacy fence for a distance of approximately 150 feet and/or install a line of evergreens at a height sufficient to block headlights, in lieu of proposed bald Cyprus and burning bushes.

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

1ST READING 3-8-16

BILL NO. 52

2ND READING _____

ORDINANCE NO. _____

AN ORDINANCE REGARDING OPEN AND HONEST GOVERNMENT THROUGH ONLINE TRANSPARENCY TO PUBLIC INFORMATION AND DOCUMENTS

WHEREAS, the Board of Aldermen of the City of Sunset Hills, Missouri, recognizes that it is the public policy of the State of Missouri that access by all persons to public records promotes the transparency and accountability of public bodies at all levels of government. It is a legal obligation of elected officials and government officers, personnel, and employees to comply with the Missouri Sunshine Law, Chapter 610 et. Seq. RSMo. To promote basic principles of democracy and the fundamental philosophy of the American constitutional form of government, all persons are entitled to access to the public records mandated by the Sunshine Law regarding the affairs of government and the official acts and policies of those who represent them as public officials.

Timely, convenient, and complete access is necessary to enable the people to fulfill their duties of discussing public issues fully and freely, making informed political judgments, and monitoring government to ensure that it is being conducted in the public interest. The Board of Aldermen believes it important that through this Ordinance, public records can, should, and will be made available online so that the people have complete and prompt access to the same information as its elected officials, appointed officials and employees. Accordingly, this Ordinance is intended to proactively and promptly make available public records prepared and maintained by the City in its normal course of business operations.

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

Section 1. Contact information. For all elected officials, department heads, committee membersappointed officials and employees. the name, position or title, phone number, and email address shall be posted online under the general directory as well as any appropriate department or committee sections that an individual participates on as a member.

Section 2. Public governmental bodies. As used in this Ordinance, definitions of "public governmental body," "public record" and "public meeting" shall be as set forth in Section 610.010, RSMo. (a) Agendas and board/committee packets (including all exhibits or attachments that are public records) shall be posted online at least 24 hours prior to the public meeting of a public governmental body. (b) Unofficial minutes for such public meetings shall be posted online as soon as possible after the public meeting. Official or approved versions of public meeting minutes shall be posted online as soon as possible after the public meeting in which the minutes were approved. (c) Ordinances and resolutions (with all exhibits or attachments) passed, adopted, or approved shall be posted online as soon as possible after passage, adoption, or approval.

Section 3. Budgets, Expenditures, and Audits. (a) Detailed budgets for the City and all departments shall be posted online after approval. (b) Third-party expenditures via bill list or

check register as well as annual, total expenditures to each vendor shall be posted online. (c) Audited comprehensive annual financial reports shall be posted online as soon as possible, but no later than nine months after the close of the City's fiscal year.

Documents posted online pursuant to this Ordinance may be in a searchable, downloadable format, and the documents shall remain available online for as long as reasonably feasible but in no case less than five years.

This Ordinance shall take effect on May 1, 2016.

PASSED THIS _____ DAY OF _____, 2016.

_____
MAYOR

APPROVED THIS _____ DAY OF _____, 2016.

_____
MAYOR

ATTEST: _____
DEPUTY CITY CLERK

1ST READING 3-8-16

BILL NO. 53

ORDINANCE NO. _____ 2ND READING _____

AN ORDINANCE AUTHORIZING THE CITY OF SUNSET HILLS TO EXECUTE A CONTRACT RETAINING SPECIAL LEGAL COUNSEL FOR THE LIMITED PURPOSE OF PROVIDING ADVICE AND DIRECTION WITH RESPECT TO DISCLOSURE COMPLIANCE STANDARDS AND FILINGS.

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

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 legal representation with respect to disclosure compliance standards and preparation and filing of any audited financial statements or operating data required by the Disclosure Agreements with respect to the Bonds for the fiscal years that ended December 31, 2010, 2011, 2012, 2013 or 2014; and

WHEREAS, the Board finds and declares that its City Attorney is not in a position to render optimal advice and direction in this matter and it is in the best interests of all concerned, including but not limited to the taxpayers and residents of the City, that the City engage special counsel for advice and direction in this matter; and

WHEREAS, Gilmore & Bell, P.C. is a firm comprised of experienced bond counsel who are qualified to render expert legal advice and such attorneys have been retained by other cities as well as Sunset Hills for such services in the past.

NOW, THERFORE, BE IT ORDAINED BY THE BOARD AS FOLLOWS:

Section 1. Gilmore & Bell, P.C., is hereby retained as Special Counsel to the City of Sunset Hills to render advice and direction to its Board with respect to disclosure compliance standards and preparation and filing of any audited financial statements or operating data required by the Disclosure Agreements with respect to the Bonds for the fiscal years that ended December 31, 2010, 2011, 2012, 2013 or 2014. The Mayor is hereby authorized to execute the retention agreement with Special Counsel attached hereto.

Section 2. Special Counsel shall receive a flat fee of $1,000.00 annually for their legal services in connection with disclosure compliance standards and a one-time fee of $1000.00 for preparation and filing of any audited financial statements or operating data required by the Disclosure Agreements with respect to the Bonds for the fiscal years that ended December 31, 2010, 2011, 2012, 2013 or 2014.

Section 3. 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

PROCLAMATION

WHEREAS, the month of April is designated as Arbor Month; and

WHEREAS, trees play a significant role in our environment and in the quality of our lives by providing shelter and nourishment to all living things as well as bringing beauty to our surroundings: and,

WHEREAS, trees are an increasingly vital resource in Missouri today, reducing erosion of our soil by wind and water, conserving water and energy, serving as recreational settings, and providing habitat for wildlife of all kinds: and,

WHEREAS, trees in our cities increase property values, enhance the economic vitality of business areas, and create beautiful landscapes to make our communities more livable: and,

WHEREAS, perhaps the most valuable gift a tree has to offer is unseen – the oxygen it produces for us to breathe:

NOW, THEREFORE, I Mark Furrer, Mayor of the City of Sunset Hills, do hereby proclaim the month of April as

"ARBOR MONTH"

And do urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City to be affixed this 8th day of March 2016.

_____

Mark Furrer, Mayor

AGENDA

BOARD OF ALDERMEN

A closed meeting of the Sunset Hills Board of Aldermen will be held Tuesday, March 22, April 12 and April 26, 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).