

CITY OF SUNSET HILLS

BOARD OF ALDERMEN

AGENDA

AUGUST 23, 2016

6:00 P.M.

A meeting of the Board of Aldermen will be held at City Hall, 3939 S. Lindbergh Blvd., on August 23, 2016 at 6:00 p.m.

- 1. Pledge of Allegiance**
- 2. Roll Call**
- 3. 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.
SECOND READING**
- 4. Resolution 392 – Budget Amendment – Parks Bandstand**
- 5. Resolution 393 – Contract with L. F. Krupp Construction, Inc. for road improvements on West Watson**
- 6. Presentation from HR Sheevam re: Days Inn site**
- 7. Discussion of overlay districts/zoning code re-write**
- 8. Review of the Public Works Committee**
- 9. Discussion of motel heights**
- 10. Discussion of parking ordinances for commercial developments**
- 11. Discussion of video conferencing bill**
- 12. Discussion of flood buyout properties**
- 13. Discussion of Mellow Mushroom/Chrisann Lane**
- 14. General Discussion**
- 15. Adjournment**

1ST READING 8-9-16

2ND READING 8-23-16

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



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:

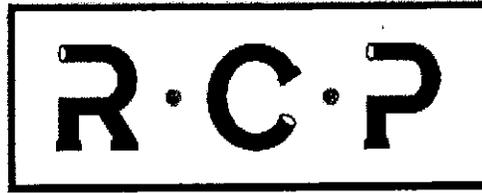
- (A) Minor changes: Minor changes in the location, siting and height of buildings and structures may be authorized by the zoning enforcement officer if required by engineering or other circumstances not foreseen at the time the final plan was approved. No change authorized by this section shall cause 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.

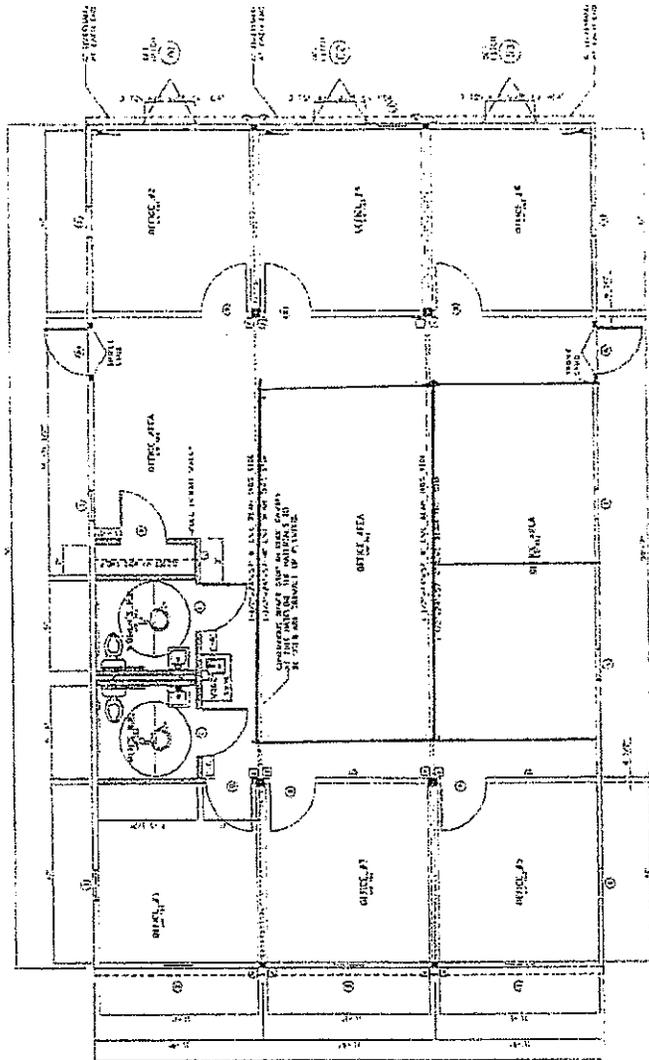
4855 New Baumgartner Road * St. Louis, MO 63129
Telephone: 314-892-7400 * Facsimile: 314-892-7727

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. ALL WORK TO BE DONE IN ACCORDANCE WITH THE SPECIFICATIONS AND CONTRACT DOCUMENTS.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
 3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT AREAS AT ALL TIMES.
 4. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.
 5. THE CONTRACTOR SHALL MAINTAIN A CLEAN WORK AREA AT ALL TIMES.
 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT AREAS.
 7. THE CONTRACTOR SHALL MAINTAIN ADEQUATE RECORDS OF ALL WORK DONE.

COLUMN STRAIGHTENING SCHEDULE

NO.	DESCRIPTION	DATE
1	10-24-24 1/2" DIA. CONCRETE COLUMN	10/24/24
2	10-24-24 1/2" DIA. CONCRETE COLUMN	10/24/24
3	10-24-24 1/2" DIA. CONCRETE COLUMN	10/24/24
4	10-24-24 1/2" DIA. CONCRETE COLUMN	10/24/24
5	10-24-24 1/2" DIA. CONCRETE COLUMN	10/24/24
6	10-24-24 1/2" DIA. CONCRETE COLUMN	10/24/24
7	10-24-24 1/2" DIA. CONCRETE COLUMN	10/24/24

300K & VIBRIBY SCHEDULE

NO.	DESCRIPTION	DATE
1	10-24-24 1/2" DIA. CONCRETE COLUMN	10/24/24
2	10-24-24 1/2" DIA. CONCRETE COLUMN	10/24/24
3	10-24-24 1/2" DIA. CONCRETE COLUMN	10/24/24
4	10-24-24 1/2" DIA. CONCRETE COLUMN	10/24/24
5	10-24-24 1/2" DIA. CONCRETE COLUMN	10/24/24
6	10-24-24 1/2" DIA. CONCRETE COLUMN	10/24/24
7	10-24-24 1/2" DIA. CONCRETE COLUMN	10/24/24

FOREST RIVER INCORPORATED
 2801 OAKLAND AVENUE
 ELKHART, INDIANA 46517
 (574) 522-9011

OWNER: MEMBER OF CAPITAL
 CONTRACTOR: ARAC
 MODEL: 3680 OFFICE W/ ONE R.R.
 SCALE: 3/16" = 1'-0"

DATE: 01/05/06
 APPROVED: N/A
 SIGNATURE: _____
 DESIGNER: L.P.L.F.X.458328

SHEET
 2 of 7

RESOLUTION NO. 392

**RESOLUTION APPROVING AN AMENDMENT OF THE 2016
PARKS & RECREATION DEPARTMENT BUDGET**

WHEREAS, THE BOARD OF ALDERMEN HAS DETERMINED THAT IT IS APPROPRIATE TO AMEND THE 2016 BUDGET OF THE PARKS AND RECREATION DEPARTMENT TO REFLECT ACTUAL EXPENSES AS FOLLOWS:

Park Budget – Expenses

Account #12.80.00.5104 – Capital Improvements – Bids for the playground project at Watson Trail Park were lower than anticipated. A budget reduction of \$10,000.

Account #12.80.00.5104 – Capital Improvements – The purchase and minor repair of a used bandstand for parks operations. A budget amendment of \$10,000.

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF ALDERMEN APPROVES THE BUDGET AMENDMENT STATED HEREIN.

PASSED by the Board of Aldermen this 23rd day of August, 2016.

Mayor

ATTEST:

City Administrator/City Clerk

City of Sunset Hills
Department of Parks & Recreation
Inter-Office Memo

TO: Mayor and Board of
Aldermen

DT: August 18, 2016

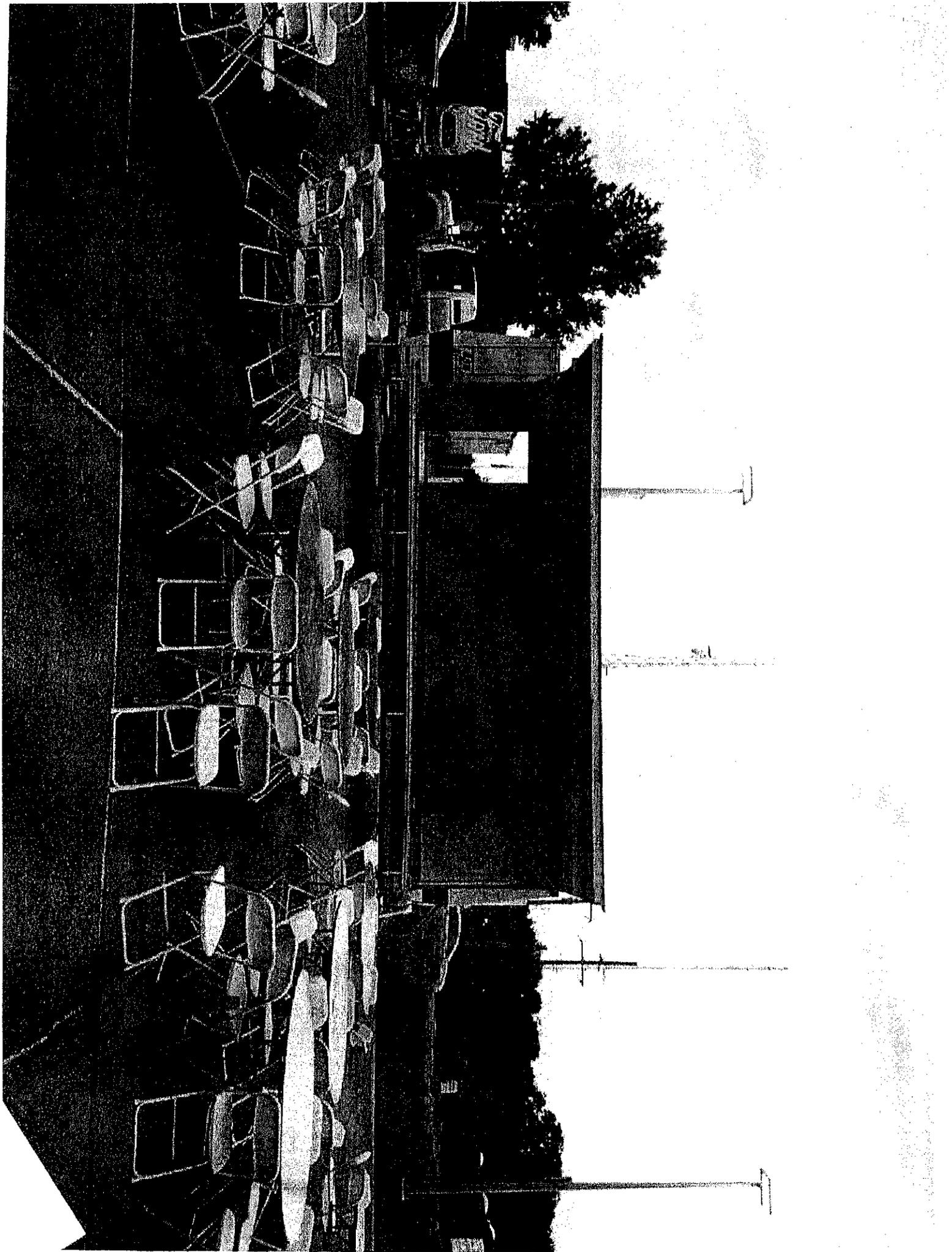
FR: Gerald Brown,
Director of Parks & Recreation

RE: Band Wagon

Over the past several years, we have been renting a band wagon approximately (3) times a year; for a variety of functions/events. This past weekend, we assisted the Chamber with the Annual Car Cruise; renting the band wagon from BSR Services. In my discussions with the operator over the weekend; he mentioned that the owner may be interested in selling the band wagon; I asked what he thought it might go for and he got back in touch with me and stated that the price was \$10,500.

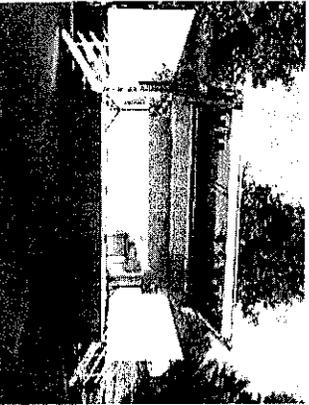
After discussions with the owner, he stated that he would let it go for \$9,500; based on this price; I thought it might be a good opportunity for the city to purchase the band wagon for band concerts, award ceremonies, and other special events. If we would like, we could also offer it up for rent to neighboring communities for special events as other municipalities currently do. (I have attached the City of Brentwood's flyer). The band wagon is in fair condition (see picture attached), could use a paint job and a few electrical repairs but overall the stage is easy to use and very practical for our use.

If we would elect to move forward on the band wagon, I could utilize excess funds from my current budget that were allocated for playground at Watson Trail Park (account #12.80.00.5104) to pay for this equipment.



Reminders

1. The security deposit will be returned to the renter within three weeks of the completion of the event and after a damage assessment has been completed.
2. Sign the contract and return it with payment and deposit by the designated date. (May be scanned and emailed).
3. Make sure there is a clear access route to the site and let us do the rest!



- The stage measures 24 feet wide by 16 feet deep, 13'6" high.
- 7,000 watt quiet generator on board for electrical service during the event.

The City of Brentwood wishes to recognize the exclusive sponsor of the Brentwood Mobile Sound Stage:

West Community Credit Union.

Without their continued support, it would not be possible to offer this service. Please be aware that the outside of the sound stage bears both the logos of Brentwood Parks & Recreation as well as the logo of West Community Credit Union.



West Community
Credit Union

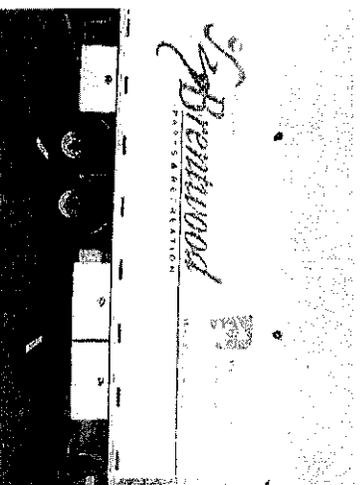
More than you imagined

CITY OF BRENTWOOD
DEPARTMENT OF PARKS & RECREATION

2505 South Brentwood Boulevard
Brentwood, Missouri 63144
Phone: 314-963-8687
Fax: 314-962-8125
www.brentwoodmo.org



Mobile Sound Stage



Telephone: (314) 963-8687

Important Information

Electrical Usage

Rental of the bandwagon includes use of a 7,000 watt generator. Approximate amp availability with 110 amp electrical service is 50 amps without using lights, and 47 amps if using the fluorescent lights; 38 amps if using canned lights. Any additional electrical needs must come from an outside source and may not be tied into the bandwagon electrical system. Bandwagon power sources may be used only to provide power to electronic items located on the bandwagon stage.

Damage to Bandwagon

Renter shall be responsible for any damage sustained to the bandwagon during its use of the bandwagon, other than damage caused by agents or employees of the City, and other than normal wear and tear. Renter will be given an opportunity to conduct a visual inspection of the bandwagon prior to setup by City in order to identify any specific items of damage existing at the time of delivery. All such damage noted by Renter shall be set forth in writing and acknowledged by a representative of the City prior to delivery of the bandwagon.

Security

Renter is required to retain and pay for the services of a security company to oversee the area surrounding the bandwagon for all periods when a rental extends overnight or the bandwagon cannot be removed due to event set-up or for any other reason. These costs are the sole responsibility of renter.

Ingress & Egress

Renter shall ensure that City has reasonable routes of ingress and egress for delivery of bandwagon and that renter has obtained all necessary authorizations and consents for the bandwagon to be placed where instructed by renter. City has the right to cancel rental at any time, if for any reason, in City's sole discretion, access to the site is inadequate or inappropriate for delivery.

Brentwood Assistance

Brentwood will provide staff on site at all times during the period of this rental to assist should any unforeseen events take place. Staff is **not** available though for overnight security.

Reservations may be made by calling (314) 963-8687 Monday through Friday, 8:30 a.m. - 4:30 p.m. beginning in January for that year, or by emailing Sue Krewson at skrewson@brentwoodmo.org. The bandwagon is available between April 1 and October 15. If the bandwagon is used longer than specified on the reservation, the additional fees will be subtracted from the deposit and any additional fees will be invoiced to the renter for the balance due. Reservations must be made a minimum of 30 days in advance. Payment is due at the time of reservation.

2016 Bandwagon Fee Schedule

Note: Hours of rental include one hour for setup and one hour for take down. Therefore, a two hour concert would require a four hour reservation.

Bandwagon on Fee Schedule	4 Hours Or Less	Each Additional Hour	Security Deposit
Event within 5 miles of the Brentwood Recreation Center	\$500.00	\$55.00	\$250.00
Event greater than 5 miles of the Brentwood Recreation Center	\$650.00	\$75.00	\$250.00

RESOLUTION NO. 393

RESOLUTION APPROVING A CONTRACT WITH L.F. KRUPP CONSTRUCTION, INC AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME ON BEHALF OF THE CITY OF SUNSET HILLS

WHEREAS, the Board of Aldermen has determined that it is appropriate to accept the proposal presented by L. F. Krupp Construction, Inc. for the West Watson road improvement project. The total cost of the proposal is \$999,686.26. Sufficient funds have been included in the approved 2016 budget for this contract.

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF ALDERMEN HEREBY APPROVES A CONTRACT WITH L.F. KRUPP CONSTRUCTION, INC AND AUTHORIZES THE MAYOR TO EXECUTE THE SAME ON BEHALF OF THE CITY OF SUNSET HILLS.

PASSED by the Board of Aldermen this 23rd day of August, 2016.

Mayor

ATTEST:

City Administrator/City Clerk

8/2/2016

City of Sunset Hills
Bryson Baker

Re: Concurrence in Award
STP-5410 (620)
Road Improvements

Dear Bryson Baker

The Missouri Department of Transportation (MoDOT) concurs with the recommendation to award this project to L. F. Krupp Construction, Inc., with a low bid of \$999,686.26. MoDOT's External Civil Rights have approved the DBE participation submitted by the awarded bidder to fulfill the DBE Goal of 13%.

After executing the contract, please submit an electronic copy of the following documents to your MoDOT district contact:

- Final Plans Package given to Bidders (include all addenda that were issued)
- Fully Executed Contract
- Payment Bond, Performance Bond
- Insurance Certificate
- Signed Worker Eligibility Verification Affidavit
- Signed E-Verify Memorandum of Understanding (MOU)
- Certification Regarding Affirmative Action signed by prime contractor (only if NOT utilizing MoDOT's Federal Project Bid Proposal Boilerplate)

MoDOT will grant the authority to issue the Notice To Proceed after these documents have been reviewed. The fully executed contract must be the same version that was shown in the bid proposal and must include all signatures, etc.

The itemized proposal is used in preparing a formal project agreement with FHWA. Upon FHWA's approval, a copy of the summary of estimated cost will be furnished for your use. You will then be able to submit invoices for reimbursement.

Please contact your district representative at <http://www.modot.org/business/manuals/LPAContacts.htm> to coordinate the scheduling of a pre-construction conference or if you have any questions regarding the required submittals.

Sincerely,

Kenny Voss, P.E.
LPA Administrator
(573)526-2924

CONTRACT AGREEMENT

THIS AGREEMENT, made and entered into by and between the _____,
(hereinafter referred to as the Owner) and _____
of _____, (herein referred to as the Contractor).

WITNESSETH: That for and in consideration of the acceptance of Contractor's bid and the award of this contract to said Contractor by the Owner and in further consideration of the agreements of the parties herein contained, to be well and truly observed and faithfully kept by them, and each of them, it is agreed between the parties as follows, to wit:

The Contractor at its own expense hereby agrees to do or furnish all labor, materials, and equipment called for in the proposal designated and marked:

and agrees to perform all the work required by the contract as shown on the plans and specifications. The "Notice to Contractor," "Plans," "Proposal," "Contract Bond," "Acknowledgment," "Notice to Proceed", and all change orders are made a part hereof as fully as set out herein.

It is understood and agreed that, except as may be otherwise provided for by "Job Special Provisions," "General Provisions," and "Supplemental Specifications," included in the Proposal, the work shall be done in accordance with the most current "Missouri Standard Specifications for Highway Construction" and "Missouri Standard Plans for Highway Construction", including all revisions to these documents, which are part and parcel of this contract, and are incorporated in this contract as fully and effectively as if set forth in detail herein.

The Contractor further agrees that it is fully informed regarding all of the conditions affecting the work to be done, and labor and materials to be furnished for the completion of this contract, and that its information was secured by personal investigation and research and not from any estimates of the Owner; and that it will make no claim against the Owner by reason of estimates, tests, or representation of any officer, agent, or employees of the Owner.

The said Contractor agrees further to begin work not later than the authorization date in the Notice to Proceed and to complete the work within the time specified in the proposal or such additional time as may be allowed by the engineer under the contract.

The work shall be done to complete satisfaction of the Engineer of the Owner and, in case the Federal Government or any agency thereof is participating in the payment of the cost of construction of the work, shall also be subject to inspection and approval at all times by the proper agent or agents of such government agency.

The parties hereto agree that this contract in all things shall be governed by the laws of the State of Missouri.

The Contractor agrees that it will comply with all federal and state laws and regulations and local ordinances and that it will comply and cause each of its subcontractors, if any, to comply with all federal and state laws and federal regulations and directives pertaining to nondiscrimination against any person on the ground of race, color, religion, creed, sex, age, ancestry, or national origin in connection with this contract, including procurement of materials and lease of equipment therefore, in accordance with the special provisions on that subject attached hereto, incorporated in and made a part of the contract.

The Contractor expressly warrants that it has employed no third person to solicit or obtain this contract on its behalf, or to cause or procure the same to be obtained upon compensation in any way contingent, in whole or in part, upon such procurement; and that it has not paid, or promised or agreed to pay, to any third person, in consideration of such procurement, or in compensation for services in connection therewith, any brokerage, commission, or percentage upon the amount receivable by it hereunder, and that it has not, in estimating the contract price demanded by it, included any sum by reason of any such brokerage, commission, or percentage, and that all moneys payable to it hereunder are free from obligation to other entities for services rendered, or supposed to have been rendered, in the procurement of this contract. Contractor further agrees that any breach of this warranty shall constitute adequate cause for the annulment of this contract by the Owner, and the Owner may retain to its own use from any sums due or to become due hereunder an amount equal to any brokerage, commission, or percentage so paid, or agreed to be paid.

Under penalty of perjury under the laws of the United States and/or false declaration under the laws of Missouri, and any other applicable state or federal laws, the Contractor Signatory certifies that the Contractor and its officials, agents, and employees have neither directly nor indirectly entered into any agreement, participated in any collusion or otherwise taken any action in restraint of free competitive bidding in connection with this contract, and that the Contractor intends to do the work with its own bonafide employees or subcontractors and did not bid for the benefit of another contractor.

The Owner agrees to pay the Contractor in the manner and in the amount provided in the said Standard Specifications and Proposals.

IN WITNESS WHEREOF, the parties hereunto have hereunto set their hands and affixed their seals, this _____ day of _____, 20__.

[Owner Name Here], acting by and through the
[Owner/Officials]

By _____
[Mayor, City of XYZ]

ATTEST: (SEAL)

[Attest Person Title Here and Printed Name]

Contractor Business Name

By _____
Authorized Contractor Signature

Printed Name of Signatory

ATTEST: (SEAL)

[Attest Person Title Here and Printed Name]

ARTICLE II, - PUBLIC WORKS COMMITTEE^[2]

Footnotes:

--- (2) ---

Editor's note—Ord. No. 998, §§ 1, 2, adopted May 7, 1991, repealed Art. II, §§ 24-21—24-26, in its entirety, and enacted new §§ 24-21—24-23. Former Art. II, street committee, derived from Ord. No. 59, adopted Dec. 5, 1957; Ord. No. 371, adopted July 2, 1968; Ord. No. 401, adopted Jan. 13, 1970; and Ord. No. 698, adopted Oct. 9, 1979.

Sec. 24-21. - Established; duties.

There is hereby established a public works committee which shall make recommendations to the board of aldermen concerning the following:

- (1) Preparation of the public works department budget;
- (2) Approval of budgeted capital expenses;
- (3) Preparation and review of a long-term capital improvements plan; and
- (4) Review and recommendation of ordinances relative to public works activities.

(Ord. No. 998, § 2, 5-7-1991)

Sec. 24-22. - Membership.

The public works committee shall consist of one (1) alderman from each ward. The public works director shall serve as an ex officio member of the committee. The chair of the committee shall be designated by the mayor with the approval of the board of aldermen.

(Ord. No. 998, § 2, 5-7-1991)

Sec. 24-23. - Nomination.

The members shall be nominated by the mayor for a term which coincides with the alderman's term of office, and approved by the board of aldermen.

(Ord. No. 998, § 2, 5-7-1991; Ord. No. 1651, § 1, 10-10-2006)

Secs. 24-24—24-36. - Reserved.

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 4.10-8(B) 4 OF APPENDIX B OF THE CODE TO AMEND THE BUILDING HEIGHT LIMITATION IN THE PD-BC ZONING DISTRICT.

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 4.10-8(B) 4 shall be amended as follows:

- 4. Building height limitations: Except as provided for in Section 5.10, no principal building shall exceed eighty-five (85) feet.

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

PASSED THIS ____ DAY OF _____, 2016.

MAYOR

BLANKET # 1

FOR REVIEW PURPOSES ONLY

_____ 2016.

MAYOR

APPROVED THIS ____ DAY OF _____, 2016.

ATTEST:

CITY CLERK/CITY ADMINISTRATOR

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

From: Stephen Saladin <jjoffice@att.net>
Sent: Saturday, August 13, 2016 5:54 PM
Subject: Re: Conditional Use Permit Petition for Jimmy John's

Honorable Mayor, Board Members and Staff,

Subsequent to the defeat of our proposal, I have had numerous conversations suggesting that I attempt one additional approval for my drive-thru Jimmy John's, which would include modifications of which some thought the Board and residents may amenable.

Below are the conditions which these individuals thought may produce an affirmative result with the Board and which I am willing to consider.

1. Eliminate the parallel parking spaces and drive aisle at the rear of the property to provide a minimum 20' buffer between our pavement and the adjacent property line. If this is agreeable, we will not touch any of the ground inside this buffer area for grading or tree removal, except those trees deemed to be unhealthy or already dead, and thus requiring removal.

Because we would be eliminating otherwise required parking from our plan, we would need to seek a variance from the Board of Adjustment. Because we would already be seeking a variance necessary to bring this plan to fruition, I would also seek the Board of Adjustment's approval of reducing the required number of loading spaces from four to one, which would allow us to regain a couple of those parking spaces lost under this plan.

I think all would agree that the City's ordinances regarding parking and loading spaces are significantly greater than logic would dictate, as even staff has indicated at our meetings.

2. Construct an 8' fence along the entire width of the property at the edge of our pavement to provide an additional audio and visual barrier. This fence will be of typical material that will have the most favorable sound-deadening qualities.

3. Provide an additional lane of egress from the property giving our patrons and employees northbound and southbound access to Lindbergh Blvd. We initially proposed this, but, either MODoT or the traffic engineer with CBB recommended against it. Should there be any dispute between MODoT and the City, I believe MODoT would have final decision making authority, and I would thus be obliged to follow their recommendation.

My business partner and I are aware that should atleast six of the eight Board members indicate their support for this conceptual plan, we would still need the approval of the Planning and Zoning Committee and the Board of Adjustment. Because of this, I would suggest, if not require, the following:

1. A reply email from each Board member indicating their willingness to support this plan, should we choose to pursue it.

2. Six or more of the supporting Board members attending all committee meetings to enunciate their support to the voting members of those committees, so we may secure their approval.

3. The affirmative vote for this plan at the earliest possible Board of Alderman meeting (if we could request the reading and vote at the same meeting, I would prefer that also).

I don't mean to appear presumptive and I know each one of you has developed your own opinion of my proposals as you've reviewed them on their merits. However, time is of the essence as each modification and passing week costs additional money that would be better spent on the actual construction of the development.

As a result of the Board's decision last week, we have prepared a new plan which does not include the Jimmy John's and we are in the process of submitting to the City, as I am sure many of you may already be aware. This revised plan would include only permitted retail uses. This plan would also be otherwise completely compliant with the City's ordinances and would therefore require only administrative approval, which saves us valuable time in delivering our product to the marketplace.

The opportunity to provide this increased buffer and save much of the existing vegetation adjacent to our residential neighbors is only possible through the amended Jimmy John's drive-thru plan that we are proposing. Under any other retail development plan, we would do what is required by ordinance, but, also what produces our most viable source of retail space for our potential tenants.

We will be commencing with the demolition of the existing buildings on site in the coming days or weeks, but, will not proceed any further until we hear from the Board.

Please take the time to consider my proposal and call me with any comments and/or questions, as I am earnest in the opportunity to make this a reality, but, please understand that I must also continue to proceed with our alternative plan in the event that we do not receive the required amount of support from the Board. Being mindful of the rules regarding public notice, I would request your response no later than Friday August 19.

Thank you all for your time and consideration.

Regards,

Steve Saladin
314-503-5045

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

City of Sunset Hills, Missouri

Public Works Department

MEMORANDUM

To: Mayor Pat Fribis
Board of Alderman
Eric Sterman, City Administrator

From: Bryson E. Baker, P.E.
City Engineer/Public Works Director

Date: August 10, 2016

Re: FEMA Buyout

City staff submitted a Notice of Interest (NOI) to be included in funding for the Hazard Mitigation Grant Program (HMGP) for seven (7) properties affected by the December 2015-January 2016 flooding. The NOI was submitted to the Missouri State of Emergency Management Agency (SEMA) on March 29, 2016. SEMA evaluates the NOI's and determines which projects most deserve to receive funding from the Federal Emergency Management Agency (FEMA).

The seven (7) properties were submitted based on information the City was aware of at that time the application was due. The properties are:

13328 West Watson Road	13336 West Watson Road
13344 West Watson Road	13489 West Watson Road
13320 West Watson Road	12918 Weber Hill Road
13012 Gravois Road	

Three (3) properties were removed from consideration due to rules governing inclusion in the HGMP program. Four (4) of the properties were substantially damaged in the flood and are required to be mitigated. Mitigation includes moving the structure out of the floodplain, raising the structure out of the floodplain or demolition of the structure.

One (1) of the substantially damaged properties was demolished by the property owner, who has decided to retain the property. The three (3) other properties are currently vacant with the property owners residing at a different location. The three remaining properties are 13328 West Watson Road, 13336 West Watson Road and 12918 Weber Hill Road.

On Tuesday, August 9, 2016 the City was informed that our project was not selected to move forward in the application process for the HMGP grant. SEMA stated that over two-hundred (200) NOI's were submitted with only sixty-three (63) moving forward in the process. Out of the sixty-three (63) projects approximately six (6) to eight (8) will eventually be funded.

Staff will be submitting a revised NOI to SEMA that will only include the three (3) substantially damaged properties. The revised NOI will be on file and eligible for any future funding that becomes available.

In the meantime, staff will be sending letters to the three (3) property owners with the substantially damaged properties informing them of the status of the project. The City will need to determine how to move forward with the structures on the properties that are no longer habitable.

On a side note, City staff submitted an application for the Severe Repetitive Loss (SRL) grant for the property at 13328 West Watson Road. This property was eligible for this funding process due to the number and value of claims made on the property throughout the years. The City should know if funding for this property is approved by the end of the month.

I request that this subject be discussed at a future Board of Alderman Work Session.

If you have any questions or would like to further discuss, please let me know.