

MINUTES OF THE REGULAR MEETING
OF THE BOARD OF ALDERMEN
OF THE CITY OF SUNSET HILLS MISSOURI
HELD ON JUNE 14, 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, June 14, 2016. The meeting convened at 7:01 p.m.

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

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
Kurt Krueger	-Alderman – WARD III
Keith Kostial	-Alderman – WARD III
Thompson Price	-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

Absent:

Michael Sawicki	-City Collector
-----------------	-----------------

Note: Alderman Mark Colombo was seated after being sworn in.

APPROVAL OF THE MINUTES

Copies of the Minutes of the May 10, 2016, Board of Aldermen meeting were distributed to the members for their review. Alderman Musich made a motion to accept the minutes of May 10, 2016 with corrections. Alderman Baebler seconded the motion, and it was unanimously approved.

Administer oath of office to new elected officials

Ms. Stone administered the oath of office to Mark Colombo, appointee-Alderman Ward IV.

Alderman Colombo is now a member of the board.

Alderman Colombo thanked the Mayor for the appointment and stated it's an honor. Alderman Colombo also thanked the Board of Aldermen and his family for their support.

Employee Service Recognition

Chief LaGrand recognized two officers each with 5 years of service. Lee Johnson came to Sunset Hills from St. Ann and Jeff Senior came to Sunset Hills from Jennings. Both have done an outstanding job and both have earned multiple awards and letters of appreciation.

Recognition of Community Service- Aidan Sengupta

Mayor Fribis stated Aidan Sengupta, could not be here this evening and will be recognized in September.

Requests to be heard

PUBLIC HEARING: The City of Sunset Hills held a public hearing to discuss the allocation of \$22,000 in Community Development Block Grant funds which will become available after January 1, 2017.

Alderman Baebler read the public hearing. There were no questions or comments from any residents about the program or the handouts in the lobby.

The Mayor closed the Public Hearing.

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. Second Reading

Alderman Gau read Bill No. 5 for a second reading.

Mayor Fribis asked for any citizens comments.

Mr. Jerry Wallach, attorney, stated he represents the neighbors of this project. Mr. Wallach stated the concerns are the traffic and the left turn lane, the speaker associated with the drive thru, the noise, and the three businesses in a small area. Mr. Wallach noted that there is a Jimmy John's near his office and they can hear the speaker in their building. So the neighbors will be living with this sound also.

Mr. Mike Courtois of 3726 Sunset Chase was present and stated he hopes that all parties can reach a compromise. Mr. Courtois also reiterated the noise level, traffic problems, etc. Mr. Courtois stated the buffering for nearby residents, eliminating mature line of buffering trees and replacing them with a sunken fence and the overcrowded three use nature of the design were the concerns. Mr. Courtois stated that if alterations in the plan could be made to remove or moderate those problems, the residents would reconsider withdrawing our opposition.

Mr. Mark Doering of Doering Engineering and Steve Saladin of Jimmy John's were both present. Mr. Doering recapped some of the issues at hand. The buffering is in accordance with City requirements and a sound study was conducted and included with the application. The menu board and speaker are up at Lindbergh so the noise would be comparable to what is already coming from Lindbergh. The existing site has three buildings with three different uses on it right now. Mr. Doering then read line by line the City Ordinance on Conditional Use Permit approval. Mr. Doering stated his opinion that Jimmy John's has met all of the criteria listed.

Alderman Baebler stated the existing three buildings were not three different businesses. Mr. Doering stated he stands corrected. Alderman Baebler stated her burden is not only to comply with minimum standards but also to protect the residents' interests.

Alderman Bersche directed a question to Mr. Baker regarding the parking spaces and that the plan is over parked. What is the process to eliminate the parking spaces and bring the drive thru closer to get it away from the residential neighborhood? Alderman Bersche suggested the plan could have a berm, fence and have more buffering.

Mr. Baker said the drive-thru cannot be any further away from the residents. Mr. Baker stated regarding the parking spaces Jimmy John's would have to start the process over for getting the Conditional Use Permit, and then back to P&Z with an amended plan and then a variance from the Board of Adjustment. Mr. Baker stated in order to get a variance they have to prove a hardship on why they are getting rid of parking spaces. Alderman Bersche asked if the Board could expedite the process and explain the hardship so the residents and developer could have a middle ground. Mr. Baker said this would be possible but the plan would still have to meet the criteria. He also stated that it could get approved and if it didn't warrant a hardship then it could be denied.

Alderman Gau asked Attorney Jones can the Board of Alderman step in and grant or approve that plan without the Board of Adjustment granting the variance. Alderman Gau stated he thought the Board of Aldermen had the final say.

Attorney Jones answered the only way the Board would be able to approve it would be an amended ordinance that would reduce the number of parking spaces required in a particular site like this. Alderman Gau stated so the Board could take up modifying the ordinance rather than going to the Board of Adjustment. Attorney Jones answered correct.

Mr. Baker stated modifying the ordinance might not be best for the entire city but it is something the staff can look at. Mr. Baker stated he was planning on addressing it during the rewriting of the ordinance. Alderman Gau asked what the process is if the board wanted to expedite this, would this go first to Public Works, Planning & Zoning or the Board. Mr. Baker suggested presenting the ordinance at the next meeting. Mr. Jones stated it does not need to go to Planning and Zoning. Mr. Jones stated a previous discussion was to create a Lindbergh Blvd. overlay which would allow the City to relax setbacks and standards, buffers and things like

that in connection with site development approval. Alderman Gau mentioned another issue brought up was the entrance, and would like to see it wider, in and out. Mr. Saladin stated the traffic engineer wanted it narrower to elevate conflicts in the drive thru isle. Mr. Jones stated that if the developer needed to change more than just the entrance way it would need to go back to planning and zoning.

Alderman Bersche stated that if the changes just mentioned would be done and the parking spaces would be eliminated, making the buffer wider and has a berm with a privacy fence. Would that elevate some of the residents' concerns? Alderman Baebler stated she would still like to see a meeting and talk, before they go back to planning and zoning. Mr. Saladin stated in January he did meet with Mr. Courtois and Mr. Wyman and left the plans and some business cards. He stated he offered to get a meeting room but did not get any takers. Mr. Saladin stated he didn't feel the need to push it. Mr. Saladin said if all three parties involved wanted to get together then that would be fine with him. Alderman Musich asked Mr. Jones can the Board of Aldermen facilitate a meeting. Mr. Jones answered yes but if there is a majority of the Aldermen and it must be posted and made available to the public.

Mayor Fribis asked since this bill has been read a second time can it be tabled until all parties can meet and discuss this. Mr. Jones said yes it can be or the petition can be withdrawn. Mr. Jones stated there are several different ways to handle this, but the petition is only withdrawn by request of the petitioner. Alderman Price stated it can only be approved as it's written and if they meet and there are changes it will need to go through the process again. Mr. Jones stated that's right, so it would be better to table it pending the outcome of the meeting.

Alderman Musich addressed Mr. Saladin stating that this has to be frustrating just as it is with the residents and the Board. Alderman Musich asked if it was possible to sit down with Mr. Wallach, Mr. Courtois, the residents of Maret Drive and Sunset Chase and the (2) Ward One Aldermen and hammer this out.

Mr. Saladin stated he has sat down with Mr. Courtois who has a list, in which he wants the drive thru eliminated. Mr. Saladin response was this was a non-starter for him and would like to work on a resolution regarding the drive-thru staying or I will walk. Mr. Saladin stated that during the talk he had with Mr. Courtois he reiterated that they would do whatever they could to address the concerns. Mr. Saladin stated he would do whatever they asked as long as he could have the drive-thru.

Mr. Doering asked if this could be tabled for two weeks to see if any of these issues could be worked out together. Mr. Jones stated yes that request could be made; it's up to the board. Alderman Gau stated the issue that he is hearing is the buffering which relates to the noise which relates to the parking spots so he believes the Board needs to work on the ordinance.

Alderman Musich stated let's not do the work if it's not going to end up with a positive product. Alderman Musich stated the ordinance doesn't need to be changed or amended if it's not going to facilitate this project.

Brief conversation amongst Aldermen and Mr. Doering regarding the length of time spent on this process and realizes this is the second time presented to the Board. Mr. Saladin stated the process then would be to resubmit to planning and zoning, make a request for Board of Adjustment and then come back for a public hearing and come back in a month for another vote. Mr. Jones replied yes, with the new plan, the City could put together a new bill regarding

parking requirements. Mr. Jones also stated that if the City thoughtfully put a plan together for the Lindbergh overlay district, this should be taken lightly.

Alderman Musich made a motion to table Bill #5. Alderman Price 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 #5 will be tabled.

Bill No. 6 –POSTPONED DUE TO REQUEST BY PETITIONER

An ordinance approving a change of zoning submitted by George Despotis for the Olga Despotis Trust to change the zoning from R-2 Single Family Residential 20,000 square foot minimum lot size to PD-LC (B) Planned Development-Limited Commercial for the purpose of redeveloping the properties located at 12405,12411 and 12417 West Watson Road. Second Reading.

Bill No. 7 – POSTPONED DUE TO REQUEST BY PETITIONER

An ordinance approving the preliminary Development Plan submitted by George Despotis for the Olga Depostis Trust for commercial development of the properties located at 12405, 12411 and 12417 West Watson Road to allow construction of a bank. SECOND READING.

CITY OFFICIAL AND COMMITTEE REPORTS

- A. Deputy City Clerk – Lori Stone made a comment on the public hearing regarding the Community Development Block Grant. The primary objective of approving this is to provide assistances to low and moderate income that are below 80% median income. Ms. Stone stated the assistance will be in the form of forgivable loans and solely administrated through St. Louis County Government Center.
- B. Accounting Manager- Bill Lehmann stated financial, treasurer and collector reports are all included in the packet and will be discussed at the next finance meeting. Mr. Lehmann stated the software conversion for the accounting system is going forward.
- C. Chief of Police - William LaGrand stated there was nothing to report.

D. City Attorney - Robert E. Jones reported on the City's tele-communications antenna business license, which is a flat of \$1,000.00 per antenna. Sprint and Clearwire have not paid their business license fees and they owe over \$30,000.00. This happened before in 2012 and a hearing was set before the Board of Aldermen in which the City considered revoking their business licenses and the City did collect the back fees. Mr. Jones stated he wrote a letter on May 26, and sent an email and have heard nothing. He stated Lori Stone has been pursuing these two businesses for a year. Mr. Jones stated the same process should be started again and a hearing scheduled for the regular board meeting in August. Mr. Jones reported on the law suit regarding the City of Sunset Hills vs PNC Bank to collect the remaining escrow funds from the Grandview subdivision. This is set for a return on summons on July 5 and there is no attorney entered for PNC as of yet. Mr. Jones stated he will keep us updated on this.

E. City Engineer - Bryson Baker stated the street department crew has finished sidewalk repairs and ADA upgrades in the Sunset Manor area. Sidewalk projects on Eddie & Park, the dog park and the school are underway. The West Watson project; the City is getting ready to take bids and has been delayed due to property acquisition. Mr. Baker stated the goal is to have this completed by the end of the year.

F. Director of Parks & Recreation - Gerald Brown stated the Aquatic Facility is open and membership is up by 10% however daily admission is down by 20%. First swim meet is tonight.

G. GO Committee- no report

H. Treasurer/Collector – Michael Sawicki was not present.

COMMITTEE REPORTS

FINANCE COMMITTEE – Alderman Gau stated nothing to report.

ECONOMIC DEVELOPMENT COMMITTEE – Alderman Baebler reported that Mr. Pat Kelly, president of the Municipal League was a guest speaker on June 9. Alderman Baebler announced a Coffee get together with Crestwood Economic Development Committee to discuss improving relationships with business owners within these two cities, a September date will be announced. Alderman Baebler stated she is taking suggestions for agenda topics for the upcoming year. She stated next meeting is on July 14, at 6 pm.

PARKS & RECREATION COMMITTEE – Alderman Kostial stated Day Camp is going well over 80 children are registered. A family dinner night is planned at the Aquatic Center on June 16, a teen night on June 24. Over the July 4th weekend an assortment of activities are planned. Alderman Kostial gave update on the playground equipment, the committee is reviewing playground designs and a selection will be made by the Board of Aldermen at the June 28 work session.

PERSONNEL COMMITTEE – Alderman Baebler stated the committee is reviewing interest forms for new committee members to fill two vacancies. Alderman Baebler stated the committee is looking into revising the personnel manual.

POLICE ADVISORY BOARD - Alderman Bersche stated nothing new to report.

PUBLIC WORKS COMMITTEE – Alderman Musich recapped the meeting of June 2, stating there is a sanitation issue on Forest Path; this is a work in progress and will be followed up in the next couple of weeks until a resolution is made. Alderman Musich stated an application was received from John King on behalf of some residents of Tapawingo on the Green, manager of Tapawingo and Tapawingo Golf Course requesting the acceptance of these streets for maintenance. This request is now in Public Works. Alderman Musich stated the enhancements for City Hall security and lobby were discussed and this is also a work in progress and will be followed up on a monthly basis. There is a request to purchase some City property at 118 Monica with a possibility of receiving some comps for that. The sidewalk projects were discussed and Alderman Musich commended the staff for doing a good job, he acknowledged Wes Searcy, Asst. City Engineer, for staying on top of these projects.

Alderman Musich stated the next meeting for this Public Works Committee is July 7, 2016 at 6pm in Public Works conference room.

WEBSITE COMMITTEE – Alderman Baebler stated there was nothing to report.

New Business

A request was made by Alderman Kostial to postpone the reading of Bill No. 10



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

Alderman Krueger Bill No. 10 for a first time. Mayor Fribis opened the floor for discussion regarding video conferencing. **FIRST READING**

Alderman Baebler had a question regarding the cost of the video conferencing equipment if this bill would pass. Alderman Kostial stated that there are other ways to have video conferencing without spending any money.

Mayor Fribis asked Alderman Kostial about the suggestions regarding rearranging his work schedule with his employer. Alderman Kostial stated that being an Alderman is a part time job. Mayor Fribis stated she understands that, but it is a very serious job and an elective position. Alderman Kostial agreed.

Alderman Gau asked Mr. Jones whether Bill #10 as it is written requires the City to spend money for equipment. Mr. Jones answered no.

Alderman Baebler stated if the City is going to do this right then the City would need to purchase equipment, the City could not rely on Facetime. Alderman Baebler stated there are a lot of problems with it and issues were raised by the residents and aldermen. Alderman Kostial said he has had no negative feedback from residents; in fact they have been very supportive.

Alderman Kostial read Senate Bill 170. A discussion ensued on what is allowed as video conferencing and the restrictions in both the Senate Bill and the City of Sunset Hills Ordinance Bill #10.

Alderman Gau asked Mayor Fribis to call the question with point of order to move on.

Request to Speak- Jan Hoffman addressed her concerns regarding her attendance at board meetings during her reign as Alderman. She stated Alderman Kostial made incorrect statements about her attendance.

Alderman Baebler questioned on why staff time was used to research former alderman attendance records. Alderman Kostial stated to prove a point and validate video conferencing.

Alderman Musich asked Mr. Jones if Missouri State Law allows for video conferencing without limitation. Mr. Jones replied it does not specify any limitations on video conferencing. The only exception to the requirement is that all members of the elected body be physically present for a roll call vote.

Ms. Hoffman asked Alderman Kostial for a retraction regarding his comments to the reporter of the paper. Ms. Hoffman stated that her reputation was at stake. Alderman Kostial responded that he was sorry if the information he was given and relied upon was incorrect.

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

Alderman Kostial read Bill No. 11 for a first time. Mayor Fribis opened the floor for discussion. No discussion

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 cord of ordinances of the City of Sunset Hills, Missouri. FIRST READING

Alderman Gau read Bill No. 12 for a first time. Alderman Gau asked Mr. Baker if the existing house needs to be demolished before the record plat. Mr. Baker answered yes. Mr. Jones stated the Bill needed additional wording indicating the house should be demolished.

Lori Scarlet of 11 Roosevelt Drive stated she opposes the ordinance and lot split and the plan for two additional homes. She stated her property adjoins with 13 Roosevelt and comes within 500 feet on the North side. She is asking for this plan to be tabled in order to give the residents some time to address some concerns regarding the potential impact on wild life, creek issues and trees. Ms. Scarlet also stated she would like some clarity on the rocky land, and answers to a rumor about underground fuel oil issue.

Randy Schoeberg of 9 Roosevelt Drive stated he agrees with Ms. Scarlet. His concerns are that this will disturb the street and the nature. He stated residents on Roosevelt like their privacy.

Megan Gauthier of 14 Roosevelt Drive stated she just heard about this last evening. She gave an assessment of the quality of land and the forestry of the trees and wildlife. Ms. Gauthier stated the home at 13 Roosevelt could be a historical home and could be renovated.

Eric Thias of 13 Roosevelt Drive stated he supports the lot split but not demolition of the house.

Alderman Musich asked Mr. Thias to clarify if he is in favor of a lot split. Mr. Thias answered he is in favor of one, without destroying the original house. Alderman Musich explained according to the plan the lot split goes right through the middle of the house. Mr. Thias clarified that the split goes through the patio.

Alderman Musich addressed Mr. Baker regarding why a suggestion at the Planning and Zoning level was to raze the house. Mr. Baker responded the property is in disrepair and has code violations so the property needs to be repaired or demolished. Mr. Thias responded he is aware that it needs to be repaired. Mr. Baker stated the house needs to become in compliance. Mr. Baker stated he has been working with Ms. Thias who reviewed what it would financially take to make the necessary repairs and decided to ask for a lot split.

Nancy Thias and Lynn Staff sisters of Mr. Thias were present. Ms. Thias stated the property is willed to the two sisters and brother. Ms. Thias stated her mother has entrusted her and her sister Lynn with decisions regarding the property and that they have been granted power of attorney.

Alderman Gau made a motion to amend Bill #12 to state that the house has to be demolished before the record plat can be recorded. Alderman Musich seconded the motion and it was unanimously passed.

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

Alderman Colombo read Bill No. 13 for the first time.

Alderman Gau explained this was a bill that Mr. Jones was asked to draft. Any comments or amendments please let Mr. Jones know because the committee is seeing this for the first time. Alderman Gau stated this came out of the Finance Committee and will keep the 5 year Capital Improvement Plan up to date.

Resolution No. 387 – A resolution declaring Administration and Public Works Department surplus property and authorizing the sale of such property.

Alderman Baebler read Resolution No. 387.

Motion to approve Resolution No. 387 made by Alderman Bersche and seconded by Alderman Gau, and motion passed unanimously.

Annual Liquor License Renewal for Businesses with existing liquor licenses for the period of July 1, 2016 through June 30, 2017.

Motion to approve made by Alderman Gau, and seconded by Alderman Bersche, and motion passed unanimously.

REQUESTS TO BE HEARD (NON-AGENDA)

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

- a) **Megan Reininger to replace Amanda Kulikowski-Swim & Dive Advisory Committee**

Motion to approve appointment was made by Alderman Musich and seconded by Thompson Price, motion was unanimously approved.

A MOTION TO HOLD A CLOSED MEETING

A motion to hold a closed meeting, vote and record immediately following adjournment of the July 12, 2016 and July 26, 2016 meetings.

Roll Call Vote:

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

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

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

Roll Call Vote:

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

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

ADJOURNMENT

Alderman Colombo made a motion to adjourn the meeting after the board returned to open session. The motion was seconded by Alderman Bersche and it was unanimously approved, meeting adjourned at 9:42 pm.

Recording Secretary

Dede Hendricks