

MINUTES OF THE WORK SESSION  
OF THE BOARD OF ALDERMEN  
OF THE CITY OF SUNSET HILLS MISSOURI  
HELD ON SEPTEMBER 27, 2016

BE IT REMEMBERED that the Board of Aldermen of the City of Sunset Hills, Missouri met in a work session at City Hall, 3939 S. Lindbergh Blvd., in said City on Tuesday, September 27, 2016. The meeting convened at 6:00 p.m.

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

**Roll Call**

**Present:** Thompson Price, Keith Kostial, (via Go to Meeting), Kurt Krueger, Tom Musich, Rich Gau, Mayor Fribis (Not voting), Mark Colombo, Steve Bersche, Robert E. Jones (Not voting), Eric Sterman (Not voting), Chief William LaGrand (Not voting).

**Absent:** Dee Baebler.

**PRESENTATION FROM HILLTOP SECURITIES ON BOND REFUNDING**

Mr. Sterman introduced Reagan Holliday and Chris Collier from Hilltop Securities. He stated Reagan and Chris will be serving as the underwriters for the refinancing of the 2009 bond issuance.

Ms. Holliday recapped the refinancing of the certificates of participation to take advantage of the interest savings. Ms. Holliday stated the offering document has been assembled and will be used to market the bonds. Ms. Holliday stated a target date of October 25 to have the bond sale and that requires the board to approve a bond ordinance. This will approve authorization on these new bonds and approve the interest rates. The sale takes place that morning and then that evening the ordinance would be presented with the rates included.

Mr. Sterman stated that this would require two readings of the ordinance on October 25. Mr. Sterman explained that an ordinance could be read at the October 11<sup>th</sup> board meeting but the ordinance would be incomplete due to the rates and terms not being known yet.

Mr. Collier stated he spoke with the ratings analyst about the structure. When the transaction was originally done there was a reserve fund put in place. The reserve fund is a protection for the bond holders that if something should happen and the city doesn't pay the annual payment then the reserve would kick in. Mr. Collier stated that since the city has a large reserve the new bonds will not require a reserve fund and the city will use that reserve to pay down the bonds that are going to be refunded and shorten the maturity time.

Mr. Collier stated the city has another payment due in March of 2017 in the amount of \$800,000.00 and that the money is already in place. The city will pay this payment early when the bonds close and then skip the payment on the new bonds.

Mr. Collier stated the true interest cost is around  $2\frac{1}{2}$  -2.3% and compares to the bonds that are being called in a refund around  $4\frac{1}{2}$  % so it's a good savings.

Mr. Collier stated the cash flow add up to around \$1  $\frac{1}{2}$  to \$2 million dollars that the city will save through the refunding.

Mr. Sterman asked Mr. Collier to explain why the March payment is being paid this year. Mr. Collier replied the par amount of the bonds has to keep the total amount borrowed plus the premium generated under \$10 million. This payment helps drive down the interest cost to increase the savings.

Mr. Sterman recommends amending the budget to make the transfer of \$870,000 from the parks/storm water reserve.

Alderman Gau stated the last payment is scheduled for 2028. Mr. Collier yes but looking to shorten it by a year (2027) and then each year will be less.

Mayor Fribis explained the city passed a  $\frac{1}{2}$ % sales tax several years ago and this tax pays off the community center, aquatic center and storm water improvements, this is where the money was generated by refinancing.

Mr. Sterman gave a brief explanation if there was a downside making this payment earlier.

Alderman Musich asked how much the city would save over the next 11 years with this process. Mr. Collier replied about \$1  $\frac{1}{2}$  to \$2 million cash flow savings.

### **Review of the Police Advisory Board**

Chief LaGrand gave a brief past history on the advisory board in which involved some disciplinary hearings and personnel issues. The current ordinance outlines what

the advisory duties are. Chief LaGrand stated now that we have a City Administrator and Finance Director these items listed in the ordinance (budgeting, capital improvement and administrative policies) can be more appropriately handled by the City Administrator and Finance Director and via the department heads. Chief LaGrand stated all that is left is the training in which the state regulates. Chief LaGrand asked the aldermen to clarify what direction the police advisory board should go moving forward.

Alderman Colombo asked the Chief if he still wanted an advisory board and Chief LaGrand replied yes but have more definition of what is in this ordinance and what should not be. Mayor Fribis asked what recommendations you would like to change in the ordinance. Chief LaGrand suggested more detailed police issues (body cameras, automatic license plate readers etc.) and law enforcement programs.

Alderman Gau directed a question to Mr. Sterman asking if other municipalities have police boards. Mr. Sterman replied the previous cities he has worked in did not have police advisory boards.

Alderman Gau then asked Mr. Jones what experience he has had. Mr. Jones replied none of three cities he serves have police advisory boards. Alderman Gau stated some other items in the ordinance could be changed since now that the City Administrator is in place.

Alderman Gau stated budgeting is done at the department head level, then goes through the finance committee and then to the board for final approval.

Chief LaGrand stated the finance committee is now reviewing a purchasing policy in which the city has never had before and would be regulated through this policy.

Alderman Bersche suggested going through the community outreach officer and getting more involved with the community.

Ms. Kelly Schneider a member of the police advisory board stated she believes in open and honest government and also civic involvement is good. She stated boards are good and that the committees are more specialized and can relay more details. The advisory board then makes recommendations to Alderman Bersche, the representative. This advisory board has room for improvement; our agenda is limited and the board discusses issues that the Chief suggests.

Ms. Schneider had a concern about a past meeting where there was a discussion on purchasing police vests. At the next meeting the Chief informs us he purchased a different vest. She feels there is a communication impasse. She stated the

shift reports have also stopped. She feels the more information allows more insight in what this board can do. She feels the police advisory should stay and be expanded.

Mayor Fribis asked how the police advisory board would expand. Ms. Schneider stated she didn't feel the ordinance should be changed. The board should be meeting every month or every other month and the agenda should be expanded (budget overview, upcoming training and community outreach programs) so the board can give the best recommendations.

Alderman Gau stated the community outreach is more important to help do a better job for the police department in the community.

Alderman Colombo clarified then the police advisory board is not being abolished, but merely taking away the issues of budgeting, capital improvement and personnel issues.

Alderman Gau stated the ordinance states that the Chief of Police reports to the Board of Aldermen.

Alderman Bersche suggested that once a quarter the Chief and Mr. Sterman can meet with the police advisory board and include the outreach representative.

Randy Epperson also a member of the police advisory board stated he was also disappointed that the memo the Chief wrote the night before the policy advisory board meeting and was not discussed. Mr. Epperson stated the police budget is the single biggest budget in the City. Mr. Epperson would like to set standards for the police department that reflects the city. Mr. Epperson stated the issues previously discussed should remain in the ordinance.

Alderman Gau stated that the public works department has the largest budget in the city.

Mr. Bob Althoff a third term member of the police advisory board stated that the board discusses items that the Chief would bring to the meeting. Mr. Althoff stated the board did discuss new police cars; the board does vote on things and then taken to the chairman. Mr. Althoff stated nothing needs to be changed.

Alderman Gau asked Alderman Bersche to explain the daily shift reports and what's the importance of these. Alderman Bersche stated it was implemented by the past Mayor, and reports the activity of the day regarding police calls.

Alderman Gau asked if this report was done just for the police advisory board. Chief LaGrand answered the report was sent electronically to the Mayor after each 12

hour shift, and then was asked to send it to the chairman of the police advisory board and to each member of the advisory board.

Mr. Sterman stated he started receiving the emails and asked the Chief why, he explained the procedure and Mr. Sterman stated he didn't feel he needed them. Mr. Sterman stated that he trusts the Chief to make the Mayor and himself aware of any issues or severe crimes.

Alderman Colombo asked how often the board meets. Chief LaGrand answered as needed, but trying to have one every other month. Alderman Bersche stated if nothing was on the agenda to talk about, the meeting went to the next month.

Mr. Epperson stated the report was nice to know where our police department efforts are focused. Mr. Epperson would like to still receive them as they showed in patterns in the wards that were repeatedly reported. Mr. Epperson stated the police advisory should know what type of activity is going on in the city.

A discussion among the aldermen regarding these shift reports and if the reports should continue to be disbursed. Mayor Fribis requested that all of the aldermen receive a copy of the report.

Alderman Colombo would suggest taking the financial side and administrative side out of the ordinance and still keep the advisory board informed. Alderman Gau stated he liked Alderman Bersche's idea of improving the community outreach program.

Alderman Gau recommended changes and draft an ordinance so it can be discussed further. Attorney Jones was asked to draft an ordinance.

Mr. Sterman stated the 5 members of the advisory board are one from each ward, an alderman and one consultant from at large. The consultant does not have a vote and serve at the will of the Mayor and the Board of Aldermen. Mr. Sterman inquired about the consultant and would like some clarity. Chief LaGrand stated this position was created to have Ken Vogel still involved with the city.

Alderman Musich asked Mr. Jones about when the current ordinance was written and how long it has been in place. Mr. Jones stated 1989. Mr. Jones stated the duties of the board were amended in 2014.

Another discussion was held regarding the members and wards they represent. Mr. Jones was asked to include the revisions into the draft ordinance.

## **DISCUSSION OF PLANNING AND ZONING COMMISSION**

Mr. Sterman stated this is a continuation from the last board meeting regarding replacing members to the planning and zoning commission. He stated several members have retired and there has been some difficulty in finding members from the right ward.

Alderman Musich asked how many are needed in Ward 4. Mayor Fribis answered 2. Alderman Gau suggested two from each ward, and 1 at large. Alderman Gau stated representation from each ward makes sense. Attorney Jones explained the terms of the members.

Mayor Fribis asked the board if the board is comfortable with just two from each ward and one at large for a total of 9.

### **DISCUSSION OF TRASH SERVICE REQUIREMENT**

Mr. Sterman stated that every resident of Sunset Hills is required to obtain trash service through American Eagle per the city's ordinance. Mr. Sterman stated in the last couple of years the trash service list has been reviewed and residents were notified regarding their service. Mr. Sterman stated that Mr. McCarthy felt his service should be exempt because he recycles his trash. Mr. Jones stated as of right now we have no exemption in the city's ordinance. Mr. Sterman asked the board if the ordinance should stay the same or have an exemption inserted.

Mr. Jones stated the trash ordinance passed in 2009 and the city has not had a lot of incidents regarding this. Mr. Jones stated one was tried at the municipal level and was found guilty and a fine imposed and is now in St. Louis County Circuit Court. Mr. Jones said other communities have exemptions and others do not. Alderman Gau asked Mr. Jones how he felt about exemptions and Mr. Jones replied exemptions would make it more difficult to enforce the ordinance. A brief discussion ensued among the board discussing the pros and cons of exemptions. A decision was made to leave the ordinance as it is written.

### **DISCUSSION OF VIDEO CONFERNING BILL**

Alderman Bersche asked Mr. Jones if there could be an ordinance regarding an alderman taking an oath of office that a member had to attend 70% of the meetings in person. Mr. Jones stated this could be done with a Q&A section or a fact sheet when running for an office.

Alderman Gau asked about a Code of Conduct. Mr. Jones said yes the city could do a Code of Conduct, but cannot use it to remove someone from their position

because they missed meetings. Mayor Fribis stated that the ordinance that is tabled now does address this and if an alderman misses three meetings as it states then it's up to the board of aldermen regarding the alderman's status.

Alderman Gau stated it also states the board of aldermen can grant additional meetings and the request is made prior to the meeting. Alderman Bersche pointed out that residents elected the alderman of their ward and does not feel it should be up to the board to dismiss the alderman.

Mayor Fribis stated this is the way the city wants to move forward in the future. Alderman Kostial stated video conferencing is legal and that's why it's at the Attorney General level right now. Alderman Kostial feels that the board should work together. Alderman Kostial stated that Mr. Sterman and Mr. Baker has been working on the go to meeting issues and it's improved and a lot better than previously.

Alderman Gau stated originally the board did not want video conferencing and now with the bill in place there has been some compromising to put some policies and procedures in place. Alderman Gau would like to remove it from the table at the next meeting and vote on it and move on to other business.

Alderman Kostial stated again it's legal and not limited.

Alderman Gau state the Missouri Governor was not in favor of this Senate bill and he vetoed it. Mr. Jones replied that's correct.

Alderman Colombo stated the state statute allows for voting via video conferencing so the question is should the city allow it or not. Alderman Colombo stated get rid of the number this should be cut and dry and allow it under the state statute. Mr. Jones stated that video conferencing could not be prohibited.

Alderman Price asked for clarification; does the city allow it or don't allow it without this bill being approved. Mayor Fribis stated the bill is just putting limitations on it. Alderman Price stated so without this bill is the city going to allow video conferencing. Alderman Colombo stated the city has to. Mayor Fribis stated other cities have chosen to not allow video conferencing. Alderman Colombo stated but the state statute would override that. Mr. Jones stated that a vote taken by video conferencing shall be counted.

Alderman Musich asked for clarification if the state statue allows for video conferencing. Mr. Jones stated there is no other mention of video conferencing if it's allowed or not allowed and there is no guidance in the statute. Mr. Jones also stated that the rationale is the city should not disenfranchise the voters of the ward when there is no guidance in the statute or the case law.

Alderman Gau asked Mr. Jones if he feels comfortable with the draft ordinance that was prepared. Mr. Jones answered he does, because it's not self-executing.

Alderman Bersche asked for clarification if missing three meetings includes work sessions, board of aldermen meetings or a special meeting. Alderman Colombo said the issue is voting. Alderman Colombo stated at the next meeting it should be voted on.

Alderman Kostial made a statement that bigger corporations have meetings through video conferencing and he didn't plan that his job would have taken him out of state and is making an effort to attend.

### **DISCUSSION OF BOARD COMMUNICATION**

Mr. Sterman referred to a memo in the packet clarifying the board meetings, agendas, work sessions and communication with the board, myself and the staff. Mr. Sterman stated if a vote is taking place it should be done in the context of a meeting with public input. Keeping work sessions at 6pm and if needed special meetings would get posted for 7pm. Mr. Sterman stated this is to eliminate confusion regarding board meetings vs work sessions.

Mr. Sterman asked that all communications be turned in by the Thursday before the Tuesday board meeting and requests be directed to him.

Mr. Sterman stated regarding development projects if approached by developers direct them to the staff so that the information can be share with the board. The developer will be invited to work sessions.

Alderman Gau stated he appreciates the communication that Mr. Sterman has sent out and his efforts on this. Alderman Gau wanted to know about electronic packets and where this stands. Mr. Sterman stated it's up to the board we have the ability to do them electronically. Mayor Fribis stated she did ask the aldermen about I pads, some aldermen have their own and some have city ones.

Mr. Sterman stated the packets still will be scanned, and could use book marks to identify certain pages. He stated another issue is the larger packets documents cannot be emailed and would need to use google drive, the website or a third party site. The board member would then have to download it to the tablet. Mr. Sterman stated at a future meeting he would try and create an electronic packet along with a paper packet.

Mayor Fribis stated the board members can choose either and both will be available.

### **DISCUSSIONS OF ZONING CODE UPDATE RFQ**

Mr. Sterman stated in the packet is a draft of the RFQ for the consultant to rewrite the zoning code. There have been several discussions on what this zoning code rewrite will entail, overlay districts, historic preservation districts, and commercial and residential design guidelines. Mr. Sterman asked for any comments or feedback on this before it is sent out.

Mr. Sterman recapped the steering committee which includes an alderman, Mr. Sterman, Mr. Baker, Ms. Moore, and Ms. Sprick but open to more aldermen to serve on this committee in order to get the process moving.

Mayor Fribis asked for a volunteer, Alderman Krueger stated he would help out. Mr. Jones and the Mayor also volunteered to serve on the committee.

Alderman Gau asked about the architectural review. Mr. Sterman stated this falls under the commercial and residential design guidelines.

### **GENERAL DISCUSSION**

Mr. Sterman stated he had announcement from Mr. Baker regarding the public hearing about the Hadley Hill Road Improvement Project on October 19, 2016 at 6pm in the City Hall.

Alderman Krueger had a question about the Board of Alderman section on the website regarding the time of the work session and the verbiage. Mr. Sterman stated that it will be updated.

Mayor Fribis stated the next committee for review will be the Finance Committee.

Alderman Gau addressed a question to Mr. Sterman regarding the website and who is the web master. Mr. Sterman stated every department should keep the website up to date. Mr. Sterman added it would be difficult for one person to maintain the whole website especially when this person would not know what goes on in each department.

**REQUEST TO MEET IN CLOSED SESSION PURSUANT TO 610.21.3 RSMo TO DISCUSS PERSONNEL MATTERS**

Alderman Gau made a motion to move into a closed session and was seconded by Alderman Krueger.

**Yes:** Keith Kostial, Kurt Krueger, Mark Colombo, Rich Gau, Thompson Price, Tom Musich, Steve Bersche

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

The Board of Aldermen reconvened in open session at 9:15 p.m.

Alderman Gau made a motion to cancel the November 8, 2016 meeting and it was seconded by Alderman Bersche and it was unanimously passed.

**ADJOURNMENT**

A motion to adjourn was made by Alderman Krueger and seconded by Alderman Price and motion was approved unanimously.

Meeting adjourned at 9:22 p.m.

Recording Secretary



Dede Hendricks