

MINUTES OF THE SPECIAL MEETING AND WORK SESSION
OF THE BOARD OF ALDERMEN
OF THE CITY OF SUNSET HILLS MISSOURI
HELD ON MAY 24, 2016

BE IT REMEMBERED that the Board of Aldermen of the City of Sunset Hills, Missouri met in a special meeting-work session at Public Works Conference room City Hall, 3939 S. Lindbergh Blvd., in said City on Tuesday, May 24th, 2016. The meeting convened at 6:20 p.m.

Special Meeting:

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

Roll Call

Present:

Pat Fribis	-Mayor
Richard Gau	-Alderman – Ward I
Denetra Baebler	-Alderman – Ward I
Thomas Musich	-Alderman – Ward II
Steve Bersche	-Alderman-- Ward II
Keith Kostial	-Alderman – Ward III via Video Conference
Kurt Krueger	-Alderman – Ward III
Thompson Price	-Alderman – Ward IV
Robert E. Jones	-City Attorney

DISCUSSION OF POSSIBLE APPOINTMENT OF 4TH WARD ALDERMAN

Mayor Fribis stated a decision had decided to nominate Mark Columbo for the vacant alderman position in Ward IV. Alderman Bersche made a motion to appoint Mark Colombo as Ward IV Alderman. Alderman Musich seconded the motion and it was unanimously approved.

Alderman Gau stated that at the Finance Committee the previous evening there was discussion regarding the city's five year plan capital improvement plan and the need to formalize the Capital Improvement Committee to help ensure that the plan is kept up to date. Alderman Gau made a motion for Mr. Jones to draft an ordinance creating the Capital Improvement Committee along with the Committee's role and to submit the ordinance to the Board of Alderman for consideration at the June meeting. Alderman Musich seconded and it was unanimously approved.

ADJOURNMENT

Alderman Gau made a motion to adjourn special meeting at 6:25 pm. Seconded by Alderman Bersche and it was unanimously approved.

Work Session: Meeting convened at 6:26 pm.

Roll Call

Present:

Pat Fribis	-Mayor
Richard Gau	-Alderman – Ward I
Denetra Baebler	-Alderman – Ward I
Thomas Musich	-Alderman – Ward II
Steve Bersche	-Alderman-- Ward II
Keith Kostial	-Alderman – Ward III via Video Conference
Kurt Krueger	-Alderman – Ward III
Thompson Price	-Alderman – Ward IV
Robert E. Jones	-City Attorney

DISCUSSION ON VIDEO CONFERENCING PROPOSAL

 Mayor Fribis asked if anyone had any comments regarding video conferencing. Attorney Jones explained the draft ordinance. He followed the Missouri Municipal League video conference policy. Attorney Jones stated he added Section 2-34 which is not part of MML policy titled journal of minutes and records of voting. This is part of the Sunshine Law regarding journalizing of minutes and record of voting. This will be inserted (if this bills passes) into the City's code immediately before the video conferencing policy. Attorney Jones stated he inserted the language of the Sunshine Law excerpt the references to Section 2-35 which is video conferencing policy. Attorney Jones stated that if the board wants to pass an ordinance like this, we will be adopting word for word the section of the sunshine law with regards to minutes and voting. It then will accept the video conferencing policy which is an elaboration of what is permitted under the Sunshine Law.

Attorney Jones stated he made changes in the format from the MML policy most notably sub paragraph C. The frequency use of video conferencing attendance, Attorney Jones stated he inserted the "2" for the limitation of the number of meetings based on the last month's discussion. Attorney Jones stated he added the language unless otherwise approved by the members in physical attendance. Attorney Jones stated this way the board could waive this and allow more participation through video conference.

Additional discussion and viewpoints were heard from several board members regarding the use of I-pads (viewing and videotaping), if eight I-pads were present does this constitutes a quorum, duties of an alderman, past absentees of previous board members, possibly changing work schedules or meeting nights. Attorney Jones answered some of these questions referring to the MML policy.

Ordinance for suspension of the rules for 2nd reading of a bill (Section 2-31)

Mayor Fribis stated she has noticed in the last few years that more and more people are requesting second readings. Mayor Fribis feels there is not enough time for the Aldermen to discuss the issue between meetings. Attorney Jones stated Ballwin has a board policy manual and it states that if any Alderman votes against the second reading at the same meeting, it is held over until the next meeting.

Mayor Fribis said there will be times when issues do come up and votes are unanimous and it's okay. But if just one Alderman has a question it should be held over until next meeting. Discussion was held amongst several Aldermen and was decided to add this topic to next month's agenda.



Discussion of Bill #5 a Conditional Use Permit for 3751 S. Lindbergh Blvd. (Jimmy John's)

Alderman Musich read Bill #5.

Alderman Baebler distributed two documents one pertaining to the Department of Revenue driver guide. It states that a two lane-left turn lane are not to be used as travel lanes nor can a vehicle drive more than 500 feet, or use to enter the roadway from the side street. Alderman Baebler stated she has witnessed this and could see how this would be a problem and a bigger problem with the drive-thru restaurant.

Alderman Baebler referenced Sunset Hills Code of Ordinances regarding vehicles driving on right half of roadway and not on shoulder of roads. Alderman Baebler compared other restaurants to the size of their lots, whereas Jimmy John's has two other facilities on a 1.18 acre. Lengthy discussion and questions from the Board directed to Alderman Baebler pertaining to what exactly the residents are against, possible compromising between the residents and developer, parking spaces, and entrance from Lindbergh.

Discussion of Bills #6 and #7 regarding Despotis Trust petitions for a Change of Zoning and Preliminary Development Plan

Alderman Krueger read Bill #6 and #7.



Alderman Baebler stated that residential voters are interested in building on this property. Alderman Baebler recapped all the different suggestions on what to build on these lots. Mr. Jones was asked how this plan got introduced on the agenda. Attorney Jones explained that a petition was submitted by the developer for re-zoning and for a development plan which then goes to planning and zoning then to the board. Mr. Jones was asked what happens if we deny this. Attorney Jones explained the previous litigation between Despotis Trust and City of Sunset Hills in which a judgment was granted in 1981. Additional questions from the aldermen were discussed. Alderman Baebler asked Attorney Jones if he has received the protest from the residents. Attorney Jones stated he has not seen one.

Alderman Kostial asked how many times something can be tabled. Attorney Jones replied if there is a good reason, indefinitely, but eventually if you have a matter before a vote is required within a reasonable amount of time. Planning and zoning is required to recommend within 90 days. Tabling for additional discussion for a month or two or longer is fine. Alderman Kostial asked if this petition is denied what are the legal ramifications, can they sue the City. Attorney Jones stated the court examines if the existing zoning is reasonable and not the City's decision to re zone it. Several questions and discussions regarding re-zoning, what lots Despostis owns, and leaving this residential were raised.

Request to meet in closed session for personnel and litigation pursuant to RSMo Sections 610.021 (1), (3) and (13).

Roll Call Vote:

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

There being 7 AYE votes and 0 NAY votes, the motion passed.

A motion to adjourn was made by Alderman Musich and seconded by Alderman Price. It was unanimously approved. The meeting adjourned at 8:37 pm.

Recording Secretary

Dede Hendricks