

MINUTES OF THE REGULAR MEETING
OF THE BOARD OF ALDERMEN
OF THE CITY OF SUNSET HILLS MISSOURI
HELD ON AUGUST 9, 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, August 9, 2016. The meeting convened at 7:00 p.m.

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

Roll Call

Present: Thompson Price, Kurt Krueger, Tom Musich, Steve Bersche, Dee Baebler, Rich Gau, Mayor Fribis, Mark Colombo, Keith Kostial, Bryson Baker (Not voting), Chief William LaGrand (Not voting), Gerald Brown (Not voting), Robert E. Jones (Not voting), and Bill Lehmann (Not voting).

Absent: Mike Sawicki.

Plaque Presentation to Danny Searcy-Alderman Baebler recognized Danny Searcy on his Eagle Scout project recycling old bicycles.

APPROVAL OF THE MINUTES

Copies of the Minutes of the June 28, 2016 work session were distributed to the members for their review. Alderman Gau made a motion to accept the Minutes as corrected. Alderman Baebler seconded the motion, and was unanimously approved.

Copies of the Minutes of the July 12, 2016 board of aldermen meeting were distributed to the members for their review. Alderman Gau made a motion to accept the Minutes as read. Alderman Musich seconded the motion, and was unanimously approved.

Requests to be heard

- a) Request from Toys R Us for four temporary outdoor storage containers located at 3600 South Lindbergh Blvd. from August through December 31, 2016.

Mr. John Paszkiewicz, the new store manager was present and stated last year we had 3 containers approved. This year the store has a 20% increase in inventory and one additional container is requested.

Alderman Gau made a motion to approve Toys R Us temporary outdoor storage containers and Alderman Bersche seconded the motion, and it was unanimously approved.

- b) Request for temporary liquor license request from the Sunset Hills/Crestwood Chamber of Commerce for the annual Route 66 Car Festival to be held on August 13, 2016.

Mr. John Belanger, director of the Chamber of Commerce was present.

Alderman Krueger made a motion to approve the temporary liquor license and Alderman Musich seconded the motion and it was unanimously approved.

- c) Request for a liquor license from Wallis Petroleum for the location at 10743 Watson Road (currently owned by U-Gas).

Mr. Chris Graar of Wallis Petroleum was present and stated this is a change of ownership.

Alderman Musich made a motion to approve the liquor license for Wallis Petroleum and Alderman Gau seconded the motion, and it was unanimously approved.

PUBLIC HEARING: **Amended Development Plan submitted by Michael Ax of Fred Weber Reinforced Concrete Products, Inc. to allow the demolition of an existing structure and placement of a temporary office at 12950 Gravois Road.**

Mr. Mike Ax, representative with Fred Weber, stated the company would like to place a temporary office (modular/trailer) after the demolition of the existing structure. Future plans will be construction of a permanent office building.

Alderman Baebler asked how long this temporary structure will be on this site. Mr. Ax stated approximately 5 years. Question was asked if this structure was a new trailer. Mr. Ax responded it's a complex not a single trailer; it has multiple units

connected together. Question was raised regarding the condition of the modular; Mr. Ax stated he would not accept a ragged looking one.

Alderman Gau addressed a question to Mr. Baker regarding if the city would have an issue with the timeframe of 5 years for this temporary structure. Mr. Baker stated he is justifying why he wants the structure now. An alderman commented so the plant is shuttered and time is needed to re-build. Mr. Ax replied yes.

PUBLIC HEARING: The Board will consider an amendment to Appendix B Section 10.5 Non-conforming situations; damage or substandard conditions to allow restoration to condominiums developed under chapter 448 RSMO ET SEQ.

Mayor Fribis 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. READ TWICE THEN HELD OVER

Mr. Stan Wallach, attorney, representing the residents on Sunset Chase, stated that the residents are opposed to this Conditional Use Permit. The residents did meet with the developer as requested and the result was deadlocked. The residents' biggest concern is the drive thru speaker and feels this issue is inconsistent with the neighborhood and adjoining properties. Mr. Wallach stated that the residents ask that the board votes this down.

Mr. Mike Courtois stated this is a poorly developed plan. He reviewed several newer Jimmy John's and stated none of them are in any residential neighborhood. They are usually found in strip malls. Mr. Courtois hopes the board reconsiders.

Ms. Anne McMunn stated the residents of Sunset Chase have a facebook page and she would like to read a comment from a posting. A visitor to this area stated she gave up trying to make a left turn on to Lindbergh at 3pm in the afternoon. Ms. McMunn stated that the visitor ended up turning around in the police station and then making the left turn at the light. The visitor stated she was glad she did not have to deal with this traffic on a daily basis.

Alderman Gau stated they did meet with the residents and the developer. The four major issues discussed were the drive thru, the buffer (fence, increasing the buffer), the parking (reduce the number of parking spaces) and the entrance only having one in and one out lane.

Alderman Gau made a motion to vote on this Bill #5 as presented in the plan and motion was seconded by Mark Colombo.

Mr. Saladin requested to speak to clarify some statements, the drive thru is located on the side of the building and not at the back of the property line. Mr. Saladin clarified the statement regarding Jimmy John's locations. The question is how close the homes are to major roadways or commercial zoned properties. He stated that residential properties were developed a greater distance away from major roadways which is where the majority of commercial development is found on the whole.

Mr. Saladin commented that along Lindbergh there is a sit down restaurant with a liquor license, other sit down restaurants, drive-thru dry cleaners, and a drive thru bank, all of which require a conditional use permit. These businesses adjoined the Sunset Chase subdivision in some matter.

Mayor Fribis asked for a roll call vote.

Roll Call Vote:

Yes: Kurt Krueger,

No: Dee Baebler, Mark Colombo, Rich Gau, Steve Bersche, Thompson Price, Tom Musich, Keith Kostial

There being 1 Aye vote and 7 Nay votes, Bill No. 5 failed.

**Bill No. 10 – An ordinance regarding open meetings and records policy
READ TWICE THEN TABLED.**

Alderman Gau made a motion to remove Bill No. 10 from the table. Alderman Krueger seconded the motion.

Roll Call Vote:

Yes: Rich Gau, Kurt Krueger, Thompson Price

No: D. Baebler, Tom Musich, Steve Bersche, Keith Kostial, Mark Colombo.

There being 3 Aye votes and 5 Nay votes, the motion passed to keep bill No. 10 on the table.

Alderman Bersche asked if the City has heard anything on the ruling from the Attorney General. Attorney Jones stated he has not seen anything and this could take months. Alderman Gau inquired what exactly the intent of this legislation is. He asked why the board cannot make a decision on this. Alderman Bersche stated the board doesn't need to rush this.

Mayor Fribis stated this will carry over to the work session. Mayor Fribis has invited the Mayor of Crestwood for his thoughts on how their city is dealing with this matter.

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 code of ordinances of the City of Sunset Hills, Missouri. READ TWICE THEN HELD OVER.

Alderman Kostial read Bill No. 12.

Mr. Nathan Wilber of 24 Black Oak Dr. stated he received a letter from St. Louis County Historical Buildings Commission regarding the preservation of this home.

Mr. Charlie Scarlett of 11 Roosevelt Dr. which is next door to the property on Roosevelt stated he received a letter from the Thias' family and would like to clarify some of the issues. Mr. Scarlett stated that he has not taken down any live trees, only dead ones and not any from the Thias property. Regarding the trespassing issue; he stated we have always been invited and welcomed. This lot split will affect the loss of privacy, shade, and view of the forest. Mr. Scarlett asked that this proposal be rejected and it's sad the city does not have a protection policy on historical sites.

Mr. Eric Thias stated he is opposed to this land split and demolition of the home.

Ms. Megan Gauthier of 14 Roosevelt Dr. stated she is opposed to both aspects of this land split.

Ms. Lori Scarlett of 11 Roosevelt Dr. stated she is asking this lot split be turned down. Ms. Scarlett has concerns regarding the oil tank leak. She also clarified some statements presented in the letter from Thias' family.

Mr. Don Elvig of 11 Roosevelt Dr. gave some analogies on things that can be fixed and things that can't be fixed. He stated even some decisions that are made may be a mistake and can't be fixed. Mr. Elvig stated people moved into this area because of the unique qualities, spaciousness and the ecological beauty. Mr. Elvig stated please do not pass this plan.

Mr. Dennis Kohut of 12403 Robyn Road stated he has witnessed several trucks up and down the street and at the end of Roosevelt Dr. it looks like a massive eye sore. Please vote on this thoughtfully.

Ms. Nancy Thias of 1660 Ivy Chase Lane, Fenton, MO stated she has concerns about the septic tank from the Scarlett's property leaking on her property.

Ms. Linda Sachs questioned how do residents of the neighborhood dictate on what a homeowner should do with their property. Ms. Sachs is in favor of the lot split.

Mr. Gary Ploesser, surveyor with St. Louis County Surveyors, stated the planning and zoning committee approved the lot split and demolition of the home. The family has met all requirements and in regards to the trees, the family will save as many as possible. He stated the house will be removed.

Alderman Krueger had a question about the septic tanks, the usage and what is required. Mr. Ploesser said he contacted a septic tank company and the septic system will be a state of the art system. He also stated there will be two septic tanks, one on each lot.

Alderman Gau asked why the lots were not split into one acre lots. Mr. Ploesser stated this is what Ms. Thias wanted, but that the lot could be equally split. Alderman Gau commented that the septic tank company has not done any soil analysis for the individual parcels. Mr. Ploesser answered it would be approved through St. Louis County. Alderman Gau stated that the letter submitted regarding the septic system stated the existing property and repair of the existing system. Alderman Gau stated if the lot split is approved and then the septic is not permitted on the smaller lot; then what; and what if a variance is needed. Ms. Thias stated she was told it would fit.

Alderman Krueger asked Ms. Thias if she is aware of the maintenance agreements with the St. Louis County, and she answered yes. Alderman Gau directed a question regarding making a condition regarding the septic. Mr. Jones stated the ordinance already states that no variances will be given.

Mr. Baker stated that if the lot split is approved, and if the septic system is within the setback lines, which would require a variance, they still would need to petition for a variance. Mr. Jones stated a full subdivision approval is needed for a variance. He stated until this is approved and there is a building permit in place, the city would not know if the septic system would fit. Mr. Jones stated however a boundary adjustment could be approved.

Mr. Baker reiterated the house is in major disarray and the property owner stated the house would be torn down.

Alderman Bersche made a motion to approve and seconded by Alderman Price.

Roll Call Vote:

Yes: Mark Colombo, Thompson Price.

No: Dee Baebler, Keith Kostial, Kurt Krueger, Rich Gau, Steve Bersche, Tom Musich.

There being 2 Aye votes and 6 Nay votes, Bill No. 12 failed.

Bill No. 17 – An ordinance approving an amended development plan for Sunbelt Rentals, Inc. to add two above ground fuel tanks on the property at 13084 Gravois Road. SECOND READING

Alderman Bershe read Bill No. 17 for a second time.

Alderman Gau made a motion to approve and was seconded by Alderman Krueger.

Roll Call Vote: Motion carried by unanimous roll call vote (summary: Yes = 8).

Mayor Fribis declared Bill No.17 becomes Ordinance #2016.

Bill No. 18 – An ordinance to amend sections 4-51 and 4-52 of the Sunset Hills City code relating to prohibited conduct for licensees authorized to dispense alcoholic beverages. SECOND READING

Alderman Price read Bill No. 18 for a second time.

Alderman Gau made a motion to approve and seconded by Alderman Bersche.

Roll Call Vote: Motion carried by unanimous roll call vote (summary: Yes = 8).

Mayor Fribis declared Bill No. 18 becomes Ordinance #2017.

CITY OFFICIAL AND COMMITTEE REPORTS

- A.** City Clerk/City Administrator – Eric Sterman stated nothing to report and is looking forward to serving this board and the City of Sunset Hills.

- B.** Accounting Manager- Bill Lehmann stated the financial reports have been distributed.

- C. Chief of Police - William LaGrand stated the Sunset Hills police department facebook page will be live tomorrow.
- D. City Attorney - Robert E. Jones nothing to report but would like the board to consider reading Bill 19 twice and passing it this evening.
- E. City Engineer - Bryson Baker gave an update on the 15 Roosevelt project to clear up some issues. Mr. Sabic petitioned for a lot split and will be approved after some issues are resolved. There was a water line issue and some cul de sac repair issues. The entire property has been purchased and the house on this property will be demolished. The lot will be split and two homes will be built after approval.
- F. Director of Parks & Recreation – Gerald Brown stated the Parks will have a Pokémon go party on Friday Night at Mini Ha Ha. The annual car cruise is Saturday; parade starts at noon. Activities planned throughout the day are bands all day, kid’s area, and car show (approximately 500 cars).
- G. Treasurer/Collector – Michael Sawicki was not present.

COMMITTEE REPORTS

FINANCE COMMITTEE- Alderman Gau stated the finance committee met on August 1, and the committee submitted Resolution #391 for approval on the letter of engagement with Hilltop Securities. This is the same company that was used initially on the certificates of participation. The city has an opportunity to refinance the certificates of participation; but a letter of engagement is needed to start the process.

ECONOMIC DEVELOPMENT COMMITTEE- Alderman Baebler recapped the July meeting; discussions on the redevelopment of Watson Road, East of Lindbergh, reviewing modifications of current codes and regulations that prohibit re-development and will hold more discussion in this nature in the coming year. Next meeting will be held on August 11 at 6pm.

PARKS & RECREATION COMMITTEE- Alderman Kostial stated the pool will have reduced hours for the rest of the summer. The park will have Sunday Sunset Serenades, at the Community Center; food trucks will be available and bring your lawn chairs. The schedule is September 11, Ambassadors of Swing on September 18, Crucial Roots, and September 25, Shadow Play.

PERSONNEL COMMITTEE- Alderman Baebler stated Mr. Sterman is reviewing the Sunset Hills personnel manual.

POLICE ADVISORY BOARD- Alderman Bersche stated the police advisory board did not meet because of lack of quorum.

PUBLIC WORKS COMMITTEE- Alderman Musich stated nothing to report.

WEBSITE COMMITTEE- Alderman Baebler stated nothing to report.

NEW BUSINESS

Bill No. 19 – An ordinance amending Chapter 18, article 1 Section 1 with respect to alternative Community Service. FIRST READING

Alderman Price read Bill No. 19 for a first reading. Alderman Gau made a motion to suspend the rules for a second reading. Alderman Colombo seconded the motion.

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

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).

Alderman Price read Bill No. 19 for a second time. Alderman Krueger made a motion to approve and seconded by Alderman Gau.

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

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).

Mayor Fribis declared Bill No. 19 becomes Ordinance # 2018.

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 a temporary office space on the property at 12950 Gravois Road. FIRST READING

Alderman Baebler read Bill No. 20 for a first reading. Alderman Gau made a motion to suspend the rules for a second recording. Alderman Price seconded the motion.

Yes: Dee Baebler, Kurt Krueger, Mark Colombo, Rich Gau, Steve Bersche, Thompson Price

No: Tom Musich, Keith Kostial

Vote: Motion declined, must be a unanimous vote on a second reading, (summary: Yes=6, No =2) and will be read a second time next month.

Bill No. 21 – An ordinance amending section 10.5 of Appendix B of the Code respect to restoration of damage or substandard conditions affecting non-conforming structures. (Petitioner has requested Second Reading)

Alderman Krueger read Bill No. 21 for a first reading. Alderman Krueger made a motion to suspend the rules. Alderman Gau seconded the motion.

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

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).

Alderman Krueger read Bill No. 19 for a second time. Alderman Krueger made a motion to approve and seconded by Alderman Gau.

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

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).

Mayor Fribis declared Bill No. 21 becomes Ordinance # 2019

Resolution No. 391 – A resolution approving a letter of engagement for Hilltop Securities to serve as underwriter for a refunding of the series 2009 Certificates of Participation.

Alderman Colombo read Resolution No. 391. Motion to approved Resolution No. 391 made by Alderman Gau and seconded by Alderman Musich and motion was unanimously approved.

REQUESTS TO BE HEARD (NON-AGENDA)

Mr. Cliff Underwood commented on the Request to Speak time limit and Sunset Hills estate sales.

Mr. Michael Vienhage, part-owner of Mellow Mushroom, gave an updated on the road condition of Chrisann road. The partners have set aside \$2500.00 for road repairs and the repairs have been done. Mr. Vienhage stated a sign will be installed stating no access to restaurant from Chrisann.

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) Denis Knock-Capital Improvement Committee
- b) Bruce Studer-Capital Improvement Committee
- c) Mike Fitzgerald-Capital Improvement Committee
- d) Debra Schiavo- Economic Development Committee

Motion was made by Alderman Gau to approve all four appointments and seconded by Alderman Baebler and it was unanimously approved.

Reappointments –none

A MOTION TO HOLD A CLOSED MEETING

Alderman Musich made a motion to hold a closed meeting with closed votes and records immediately after adjournment of the September 13, 2016 and September 27, 2016 meetings. Alderman Krueger seconded the motion.

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

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).

Alderman Gau made a motion to adjourn the meeting. The motion was seconded by Alderman Bersche and it was unanimously approved, meeting adjourned at 9:10 pm.

Recording Secretary

A handwritten signature in cursive script, appearing to read "Steve Hendrick", is centered on a light yellow rectangular background.