

MINUTES OF THE REGULAR MEETING
OF THE BOARD OF ALDERMEN
OF THE CITY OF SUNSET HILLS MISSOURI
HELD ON SEPTEMBER 13, 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, September 13, 2016. The meeting convened at 7:05 p.m.

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

A moment of silence was held in honor of the late mayor Bill Nolan.

ROLL CALL

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

Absent: Mike Sawicki and Thompson Price

APPROVAL OF THE MINUTES

Copies of the Minutes of the August 9, 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 Bersche seconded the motion, and was it unanimously approved.

Copies of the Minutes of the August 23, 2016 board of aldermen meeting were distributed to the members for their review. Alderman Musich made a motion to accept the minutes as read. Alderman Gau seconded the motion, and was it unanimously approved.

PROCLAMATION

Mayor Fribis read a Proclamation recognizing September 17th through the 23rd as "Constitution Week". Ms. Kathy Felix, of the Webster Groves DAR was present and spoke on the constitution.

PRESENTATIONS

Ms. Ann Ludlow and a group of individuals from St. Justin the Martyr Church presented a banner to the Sunset Hills Police Department in support of the Police Department.

Representatives Ron Hack and Nick Dragon of The Foundation for Sunset Hills presented a check in the amount of \$12,000.00 for Kitun Dog Park Pledge.

REQUESTS TO BE HEARD

- a) Request by St. Louis Brewery, LLC (Schlafly) for a temporary liquor license for the Laumeier Harvest Fest to be held on October 16, 2016.

Ms. Lauren Mirelli, marketing assistant of St. Louis Brewery, was present to see approval for a temporary liquor license for the Laumeier Harvest Fest on October 16, 2016.

Alderman Gau made a motion to approve the above request. Alderman Colombo seconded the motion, and it was unanimously approved.

- b) Request by 4 Hands Brewing Company for a temporary liquor license for the Laumeier Harvest Fest to be held on October 16, 2016.

Alderman Gau made a motion to approve the above request. Alderman Colombo seconded the motion, and it was unanimously approved.

- c) Request by Perennial Artisan Ales for a temporary liquor license for the Laumeier Harvest Fest to be held on October 16, 2016.

Ms. Katherine from Perennial Artisan Ales was present to seek approval for a temporary liquor license for the Laumeier Harvest Fest on October 16, 2016

Alderman Gau made a motion to approve the above request. Alderman Baebler seconded the motion, and it was unanimously approved.

- d) Request by Urban Chestnut Brewing Co., Inc. for a temporary liquor license for the Laumeier Harvest Fest to be held on October 16, 2016.

Mr. Ryan Rukel from Urban Chestnut Brewing Co., Inc. was present to seek approval for a temporary liquor license for the Laumeier Harvest Fest on October 16, 2016.

Alderman Gau made a motion to approve the above request. Alderman Krueger seconded the motion, and it was unanimously approved.

- e)** Request by Sunset County Club for a Fireworks display on Father's Day June 18, 2017.

Mr. Russ Kingsland, general manager of the Country Club, was present to seek approval for a fireworks display to be held on Father's Day June 18, 2017, starting at dusk and will last approximately 10 minutes.

Alderman Krueger made a motion to approve the above request. Alderman Baebler seconded the motion, and it was unanimously approved.

- f)** Request by Bed, Bath and Beyond 10770 Sunset Plaza, for a temporary storage container to be placed behind their building from October through December, 2016.

Mr. Jeff Hartman, Operations Manager was present and to seek approval for storage unit placed on the property for Christmas inventory.

Alderman Gau made a motion to approve the above request. Alderman Musich seconded the motion, and it was unanimously approved.

- g)** Request by St. Thomas Holy Spirit for the special event "Party at Crosspaths Park" to be held September 17, 2016 from 4-7pm.

Alderman Krueger made a motion to approve the above request. Alderman Gau seconded the motion, and it was unanimously approved.

- h)** Request by Altus Properties to erect a tent at 12200/12250 Weber Hill Road for an employee barbeque on September 21, 2016.

Mr. Jeff Bolind of Kenricks Catering was present and to seek approval to erect a tent for the Altus Properties employee barbeque.

Alderman Musich made a motion to approve the above request. Alderman Gau seconded the motion, and it was unanimously approved.

PUBLIC HEARING Establish the annual rate of tax levy for the year of 2016 on all property within the City of Sunset Hills, Missouri

Mr. Sterman stated this is setting the tax rate for the upcoming year for residential, agricultural, and commercial and personal property. The rates will remain the same as last year.

Alderman Gau asked if this needed to be read twice tonight. Mr. Sterman this needs to be completed by October 1, so it either needs to be read twice, or have a special meeting later on in the month to vote a second reading.

Mayor Fribis closed the public hearing.

OLD BUSINESS

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

CITY OFFICIAL AND COMMITTEE REPORTS

- A. City Clerk/City Administrator- Eric Sterman stated nothing to report.
- B. Accounting Manager-Bill Lehmann stated financial statements are included in the packets.
- C. Chief of Police-William LaGrand stated nothing to report.
- D. City Attorney-Robert Jones gave an update on the litigation with St. Louis County regarding the police standards ordinance and that the case was appealed. St. Louis County filed the brief in which it was forwarded to the board. Mr. Jones' stated the city's brief is due on September 26 and began working on it last Friday. The ACLU was granted leave to file an amicus brief and Mr. Jones stated he will respond to this.

Mr. Jones stated the city received a class action suit filed with AT&T for certain repair charges and this action will yield a check for \$38.00. Mr. Jones suggested a motion to authorize the city administrator to sign the claim form to receive the \$38.00.

Alderman Gau made a motion to have the city administrator sign the claim form and Alderman Baebler seconded and it was unanimously approved.

- E. City Engineer-Bryson Baker stated that the public works department is working on removing concrete slabs in the area of Grandview for the next few months and repairing those slabs.

- F. Director of Parks & Recreation- Gerald Brown stated construction on the new playground has started and ribbon cutting ceremony will be sometime in mid-October. Mr. Brown will inform the board when it gets closer.

- G. Treasurer/Collector-Michael Sawicki not present.

COMMITTEE REPORTS

- a) Finance Committee-Alderman Gau stating nothing to report.

- b) Economic Development Committee-Alderman Baebler stated the September meeting was cancelled. The next meeting will be held on October 13, the guest speaker is Mr. Kornfeld.

- c) Parks & Recreation Commission-Keith Kostial recapped the city's upcoming events, electronic recycling on September 15, city wide yard sale on September 17 and the next Sunset Serenades are on September 18 and 25.

- d) Personnel Committee-Alderman Baebler stated nothing to report.

- e) Police Advisory Board-Alderman Bersche stated nothing to report.

- f) Public Works Committee-Alderman Musich stated the committee met on September 1, and discussed the sanitary sewer issues by Forest Path, city hall interior improvements, public works capital budget and ongoing sidewalk projects in the city. Next meeting is October 6, at 6pm in public works meeting room.

- g) Website Committee-Alderman Baebler stated nothing to report.

NEW BUSINESS:

**Bill No. 22 – An ordinance establishing the annual rate of tax levy for the year of 2016, on all property within the City of Sunset Hills, Missouri.
(Request for Second reading) FIRST READING**

Alderman Bersche read Bill No. 22 for a first time. Alderman Gau made a motion to suspend the rules and read the bill a second time. Alderman Bersche seconded the motion.

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

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

Absent: Thompson Price.

Alderman Bersche read Bill No. 22 for a second time. Alderman Gau made a motion to approve Bill No. 22. Alderman Bersche seconded the motion.

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

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

Absent: Thompson Price.

Mayor Fribis declared Bill No. 22 becomes Ordinance No. 2021.

Bill No. 23 -- An ordinance repealing Chapter 2, Article VIII, Sections 2-231 through 2-232 of the Code to eliminate the Personnel Committee. FIRST READING

Alderman Baebler read Bill No. 23 for a first time.

Bill No. 24 – An ordinance repealing Chapter 2, Article V, Sections 2-202 through 2-210 of the Code of Ordinances and enacting new sections in lieu there to establish a Planning and Zoning Commission and to provide for its composition and duties. FIRST READING

Alderman Krueger read Bill No. 24 for a first time.

Mayor Fribis asked Mr. Jones to explain this bill. Mr. Jones stated the zoning commission can also serve as the planning commission, Chapter 89 of the State Statutes allows a statutory planning and zoning commission to be formed, which has never been done in the city.

Alderman Musich asked Mr. Jones if this composition is under the city ordinance or the state. Mr. Jones replied the commission requires no less than 7 and no more than 15, right now the city has 10 by state statute. Mr. Jones stated Chapter 89 applies to all cities. Alderman Gau asked if the statute does or does not address the composition. Mr. Jones stated it does not address the composition, but it can include the Mayor and an aldermanic representative. No one has had the desire to do that, so it was not included in this draft.

Mayor Fribis asked if the composition would be four aldermen, one from each ward and 6 at large. Mr. Jones replied yes. Alderman Gau asked if this could be passed tonight in order to get the position filled. Mayor Fribis replied yes.

Alderman Gau made a motion to suspend the rules and read the bill a second time. Alderman Krueger seconded the motion.

Vote: Motion failed (summary: Yes = 5, No = 2, Abstain = 0).

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

No: Keith Kostial, Tom Musich.

Absent: Thompson Price.

Bill No. 25 – An ordinance repealing Chapter 2, Section 2-81 of the Code to eliminate the position of Deputy City Clerk/Finance Officer.

Alderman Colombo read Bill No. 25 for a first time.

Mr. Jones stated since the hiring of the Finance Director; the position of Deputy City Clerk/Finance Officer is no longer needed.

Alderman Gau made a motion to suspend the rules and read this bill for a second time. Alderman Musich seconded the motion.

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

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

Absent: Thompson Price.

Alderman Colombo read Bill No. 25 for a second time.

Alderman Krueger made a motion to approve Bill No. 25 and Alderman Gau seconded the motion.

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

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

Absent: Thompson Price.

Mayor Fribis declared Bill No. 25 becomes Ordinance 2022.

Mr. Jones corrected a statement regarding Bill No. 24; the commission cannot have less than 5 and no more than 15 members. Mr. Jones stated he incorrectly counted the Mayor and aldermanic representative earlier.

Resolution No. 394 – A resolution approving a contract with United Healthcare for employee medical insurance and authorizing the Mayor to execute the same on behalf of the City of Sunset Hills.

Alderman Musich read Resolution No. 394.

Mr. Sterman stated there is more detailed information in the packet and that the city will be switching from Coventry (which has been bought out by Aetna) to United Healthcare. Mr. Sterman stated some fortunate claims experience have resulted in a 33% reduction in the rates.

Motion to approve Resolution No. 394 was made by Alderman Gau and seconded it by Alderman Musich and motion passed unanimously.

REQUEST TO BE HEARD – (Non Agenda)

Ms. Sandra Jo Ankney spoke regarding issues with Ordinance 1883, regarding compound bows, mechanical broad head arrowheads. She stated the safety of our city is a concern and referred to Section 19-47 of the ordinance re: discharging an archery

device within 200 yards of any church, school or playground. Ms. Ankney stated permits have been issued within the restricted 200 yard areas which are violations.

Ms. Ankney explained several areas in the handout, and stated she had some questions regarding the boundaries. Mr. Jones stated the hunter has to place his stand 200 yards away from the location in the ordinance. Ms. Ankney referred to a letter from Laura Rider and a spreadsheet listing all of the 32 venues.

A suggestion was made to have the City Administrator to check on the questions Ms. Ankney has listed.

Mr. Darren McCarthy of 9345 Sappington Road had a concern regarding the trash ordinance. He stated he has spoken with Mr. Baker, Mr. Sterman and the mayor and would like to come to a resolution on this trash issue. He feels he should not have to pay for trash when he does not use the service.

Mayor Fribis explained that Mr. McCarthy is a recycler and recycles all of his trash and has asked the city to delete his address off of the mandatory trash list.

Mr. McCarthy is asking for an over-ride in the ordinance allowing for such actions or for anyone else in this predicament or to have an exemption. He stated this law is challengeable and will be challenged if need be.

Alderman Gau asked if there is some type of action needed from the board to put this into motion or to have further discussion on this matter.

Mr. Jones stated the public works staff is reviewing a contract list to see who does have the required service at a residential property. Notices have been sent out. Mr. Jones stated one incident has been taken to court, and the defendant was found guilty and the case is now in St. Louis County court. The contract is mandated by the city's ordinances. This is not unique to Sunset Hills, for St. Louis County does it as well?

Mr. Sterman stated there could be some cities that do offer an exemption. Mr. Sterman stated some clarification will need to be done.

Mr. McCarthy stated last year 190 homeowners were cited and he had this issue last year and thought this issue was due to the Mayor at that time. Mr. McCarthy thinks the board should take this into consideration. Mr. McCarthy stated he recycles for his business so he makes one trip. Mr. McCarthy stated he doesn't think it's reasonable for anyone to require him to sign up for any service he is not in need of.

Mr. Jones stated that to take trash offsite and disposing it elsewhere is prohibited by the code. Mr. McCarthy answered anyone having trash from a drive thru in their car, is in violation unless they depose of the trash at the restaurant.

Mr. Baker stated this came about because of complaints received from residents seeing neighbors taking their trash to another neighbor. Mr. Baker stated upon their investigation the number has decreased to about 30 homes. Mr. Baker explained the 30 homes are in transition homes being sold and new owners moving in and if the ordinance is changed everyone would want an exemption.

Mayor Fribis will have this issue be put on the September 27 work session.

Alderman Musich addressed a question to Mr. Baker, Chief LaGrand and Mr. Jones regarding cut through traffic on Parklind, and Fairlind. He stated he has received phone calls from the residents stating they are frustrated with the amount of traffic in the morning and at night. He asked what could be done in this area.

Mayor Fribis stated she also has had some phone calls, but after discussions with the department heads, it was determined that these are public streets. One resident suggested speed bumps, or cones be put up, but this cannot be done on a public street. A discussion ensued among the board, Mr. Baker, Mr. Jones and the Chief of Police.

Alderman Musich asked about the number of commission members needed being between 5 and 15. He stated due to the difficulty in filling these vacancies why the number can't be just 5 or 6 commission members, instead of 10. Mayor Fribis stated the proportioned would be one from each ward and the other six from at large.

Alderman Gau suggested one from each ward and the other two at large for a total of six members. Mayor Fribis stated that would be okay. Mayor Fribis stated as of now there is only two vacancies.

Alderman Gau asked if this topic could be on the agenda for the next work session meeting.

Alderman Kostial asked about the two at large members, can two members be from the same ward. Mayor Fribis answered yes. Mr. Jones stated the provision can be amended to state two members cannot from the same ward.

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

Sherri Schmidt- Gemmp Commission to replace Mary Fischer.

Alderman Gau made a motion to approve the appointment. Alderman Colombo seconded the motion and it was unanimously approved.

Nathan Lipe-Capital Improvement Committee

Alderman Gau made a motion to approve the appointment. Alderman Bersche seconded the motion and it was unanimously approved.

RE-APPOINTMENTS

Jan Hoffmann-Gempp Commission

Alderman Gau made a motion to approve the re-appointment. Alderman Bersche seconded the motion and it was unanimously approved.

Jim Koeger- Gempp Commission

Alderman Gau made a motion to approve the re-appointment. Alderman Musich seconded the motion and it 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 October 11, 2016 and October 25, 2016 meetings

Alderman Musich made a motion and Alderman Gau seconded it, to hold a closed meeting with closed votes and records immediately after adjournment of October 11, 2016 and October 25, 2016 meetings.

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

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

Absent: Thompson Price.

ADJOURNMENT

Alderman Gau made a motion to adjourn the meeting. The motion was seconded by Alderman Krueger and it was unanimously approved, meeting adjourned at 8:32 pm.