

MINUTES OF THE REGULAR MEETING
OF THE BOARD OF ALDERMEN
OF THE CITY OF SUNSET HILLS MISSOURI
HELD ON OCTOBER 11, 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, October 11, 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, Keith Kostial- Via Go to Meeting, Kurt Krueger, Tom Musich, Steve Bersche, Dee Baebler, Rich Gau, Mayor Fribis, Mark Colombo, Mike Sawicki (Not voting), Robert E. Jones (Not voting), Eric Sterman (Not voting), Bryson Baker (Not voting), Chief William LaGrand (Not voting), Gerald Brown (Not voting), Bill Lehmann (Not voting).

APPROVAL OF THE MINUTES

Copies of the Minutes of the September 13, 2016, Board of Aldermen meeting were distributed to the members for their review. Alderman Musich made a motion to accept the minutes of September 13, 2016. Alderman Baebler seconded the motion, and it was unanimously approved.

Copies of the Minutes of the September 27, 2016, Board of Aldermen work session were distributed to the members for their review. Alderman Musich made a motion to accept the minutes of September 27, 2016. Alderman Krueger seconded the motion, and it was unanimously approved.

 REQUESTS TO BE HEARD

- a) Request by Noboleis Vineyards 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 temporary liquor license for the Laumeier Harvest Fest. It was seconded by Alderman Bersche and unanimously approved.

- b) Request by Mellow Mushroom for live music Thursdays through Sundays in October and November.

Mr. John Burke co-owner of Mellow Mushroom was present and requested approval for music in the beer garden on Thursday evenings, Saturday afternoons and early evenings and Sunday afternoons during the month of October and November. Mr. Burke stated the times will vary based on the availability of the bands. Music will not play beyond 10:00 pm.

Questions were asked regarding speakers, and location of band in patio area, and noise ordinance. Mr. Burke stated these bands are one man bands and bands you would hear at wineries. A question was asked regarding the noise ordinance. Chief LaGrand answered the city uses the guidelines of St. Louis County using a meter to measure sound level.

Mr. Mike Courtois stated he recorded a band already playing on Saturday and said the band was loud. He stated he spoke to the manager and that the manager did turn down the volume. Mr. Courtois suggested to the manager to angle the speakers in a different direction.

Ms. Joan Deelo stated the previous restaurant was not allowed to have outside music and would prefer to have this music brought inside the restaurant.

Alderman Gau asked if the position of the speakers needed to be included in this request or is it covered by the ordinance. Mr. Jones answered yes it is covered in the ordinance.

Alderman Gau suggested maybe the music could end earlier. Mr. Burke stated that the restaurant wants to be a good neighbor.

Alderman Gau made a motion for Mellow Mushroom to have live music on Thursdays thru Sundays in October and November until 9:30 pm. Alderman Bersche seconded the motion.

Vote: Motion passed (summary: Yes = 7, No = 1, Abstain = 0).

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

No: Dee Baebler



PUBLIC HEARING The Board will consider an Amended Conditional Use Permit submitted by BMGR SSHD LLC, for the construction of a new hotel building at 3660 South Lindbergh Boulevard.

Mr. HR Sheevam, owner of the Days Inn, stated he will answer any questions at this time. Alderman Baebler asked if a traffic study was done. Mr. Baker stated there was no traffic study done and one is not required for this project.

Alderman Gau stated his concern is the traffic and parking lot congestion around the hotel and Helen Fitzgerald's. Members of the board referenced a map on the overhead and discussing traffic lane widths and parking spaces and how many traffic lanes are actually available.

Alderman Musich asked about the access off of Lindbergh. Alderman Musich asked if this will be ingress and egress and will traffic be able to turn both north and south onto Lindbergh. Mr. Sheevam replied yes.

Ms. Jan Burmeister concern is the height of the hotel regarding the guests being able to see into her home. Ms. Burmeister stated she has no window covering at this time. She mentioned it would not be a problem if the hotel did not have windows on that side of the building or a taller fence between the hotel and the residential area.

Mr. Blake White stated his residence backs up to this hotel and feels this will affect his family. He stated he is in favor of the re-development, but is concerned about extra lighting, sound, balconies, more parking. Mr. White stated he would also like a higher fence and for the hotel to be considerate of the residential area.

Mr. Baker explained the maximum height in this district is 35 feet and this is the maximum Mr. Sheevam can build. Mr. Baker stated the fence issue is at the maximum of 6 foot and that an 8 foot fence is used with a loading zone in the vicinity of the fence. Mr. Baker stated the new structure will be built more towards Lindbergh.

Mr. Sheevam responded we will put in a higher fence and no windows will be facing the residential area. He stated we are pursuing different clientele for this hotel.

Mayor Fribis asked if any guests live there on a full time basis. Mr. Sheevam stated there are only one or two right now and their lease will not be renewed.

Mr. Baker stated that Mr. Sheevam is replacing the 6 foot fence with an 8 foot fence.

PUBLIC HEARING The Board will consider a text amendment, submitted by the City of Sunset Hills, to amend Appendix B, Section 4.10-8(B)4 "Building Height Limitations" to change the maximum principal height from seventy-five(75) feet to Eighty Five (85) Feet.

Alderman Gau asked for clarification on the zoning district. Mr. Baker responded the PD-BC zoning district is in two different locations. Alderman Gau asked if this could

be limited to site by site. Mr. Jones stated this height limit could be for hotels in the PD-BC district. Mayor Fribis asked about office buildings. Mr. Baker stated if this is changed, it would be best to change it and specify what is to be 85 feet; office buildings and/or hotels.

Alderman Musich asked what the reason for the change in height. Mr. Baker stated it came about from meetings with city officials and several hotel owners on how the city could help them succeed and the hotel owners stated that the height ordinance was too strict. Mr. Baker stated the Holiday Inn wanted to go with a smaller foot print but go higher. The City wants to be proactive and show the businesses that the city is listening.

 **OLD BUSINESS**

Before Bill No. 10 was read Mr. Jones stated two changes were made from when it was read the first time.

Alderman Gau made a motion to have Bill No. 10 removed from the table for consideration. Alderman Price seconded the motion and the motion was passed unanimously.

Alderman Gau made a motion to amend Bill No. 10 with the two changes that were made from the reading the first time. Alderman Price seconded the motion and the motion was passed unanimously.

Mr. Clifford Underwood commented on the hotel height and maybe this is a time for a scale model in 3-dimension to save a lot of money and time. Mr. Underwood stated to forget about the whole thing (Bill No. 10) and that the city doesn't need it. Mr. Underwood suggested that the Bill should not go into effect until after the election year of 2018.

Mr. Frank Hardy stated he agreed with Mr. Underwood regarding the Bill going into effect after the next election year. He stated that the state statute reads as a member of the board you can cast a vote using video conferencing. So if a member wanted to cast a vote and is allowed at any time it means that it is allowed at all times without limits. Mr. Hardy commented that he has not heard what ruling the Attorney General made.

Mr. Robert Mackinson stated he feels that this Bill should be approved.

Alderman Kostial stated the Bill should be put on hold until the General Attorney makes his ruling.

Alderman Musich asked a hypothetical question pertaining to visual tele conferencing from the previous speaker's statement. Alderman Musich asked Mr. Jones does that mean a blind person could not run for alderman. Mr. Jones answered no, it does not mean that.

Alderman Kostial asked for clarification on what an emergency is. Mr. Jones answered there is no restriction upon the use of video conferencing based upon an emergency. He stated it's not necessary to define an emergency.

Alderman Krueger stated he has heard from several residents of Ward 3 in favor of this bill.

Alderman Krueger stated he feels that this bill will allow alderman to be absentee aldermen and the city deserves more attention that absenteeism. If this is allowed, it sets the example for people to live out of this state and tele commute to be aldermen and govern the city and it's not fair to the citizens who voted for them.

Alderman Kostial gave an example of when an alderman is out of town and does not make any effort.

Alderman Krueger stated that this does not have anything to do with you. It sets precedence for future abuse.

Alderman Kostial stated he is fulfilling his role. Alderman Kostial asked for the two changes to be read again. Mr. Jones re-read the changes that were made after the June work session meeting.

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

Alderman Gau made a motion to amend Bill No. 10 and read for a second time. Alderman Bersche seconded the motion.

Vote: Motion passed (summary: Yes = 7, No = 1, Abstain = 0).

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

No: Keith Kostial.

Alderman Gau made a motion to vote on Bill No. 10 and Alderman Bersche seconded the motion.

Vote: Motion passed (summary: Yes = 5, No = 4, Abstain = 0).

Yes: Dee Baebler, Kurt Krueger, Rich Gau, Thompson Price, Mayor Fribis voted yes to break the tie vote.

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

Mayor Fribis declared Bill No. 10 to become ordinance #2023.

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

Alderman Baebler read Bill No. 23.

Alderman Baebler made a motion to approve Bill No. 23. Alderman Gau seconded the motion.

Vote: Motion passed (summary: Yes = 6, No = 2, Abstain = 0).

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

No: Keith Kostial, Tom Musich.

Mayor Fribis declared Bill No. 23 to become ordinance #2024.

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 thereof to establish a Planning and Zoning Commission and to provide for its composition and duties. SECOND READING

Alderman Musich read Bill No. 24.

Mr. Jones stated this bill has amendments that were made after the work session.

Alderman Gau made a motion to amend Bill No. 24 with changes as outlined by Mr. Jones. Alderman Musich seconded the motion and was unanimously passed.

Alderman Musich read Bill No. 24 a second time to include the amendments outlined by Mr. Jones.

Alderman Gau made a motion to approve Bill No. 24 as read with amendments. Alderman Musich seconded the motion.

Vote: Motion passed (summary: Yes = 7, No = 1, Abstain = 0).

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

No: Kurt Krueger.

Mayor Fribis declared Bill No. 24 to become ordinance #2025.

CITY OFFICIAL AND COMMITTEE REPORTS

A. City Clerk/City Administrator, Eric Sterman stated the city's S&P rating has now been upgraded to AA plus issuer credit rating and an AA credit rating.

B. Director of Finance, Bill Lehmann gave a quick updated on the Tyler Software. Phase one is now completed and consultants from Tyler will be in the office the week of October 24.

C. Chief of Police, William LaGrand stated he encourages everyone to visit the police department's facebook page.

D. City Attorney, Robert E. Jones stated the oral argument on the police takeover bill for the St. Louis County will be held on December 7, at 9:30 am at the old post office downtown. Mr. Jones stated an attorney has contacted him regarding the October 25 hearing on the Econo Lodge with regards to their business license. Mr. Jones stated he will be sharing information regarding the allegations and will inform the board about any pressing issues.

E. City Engineer, Bryson Baker stated the city was requested to take over the cost of the street lights on Grandview by the trustees and residents. Mr. Baker stated the street lights were taken over back in November 2015 but at that time did not take over the cost. Mr. Baker contacted Ameren and had the billing switched over in September. The residents would like the city to pay the difference from November 2015 to September 2016 which is approximately \$500.00 per month. Mr. Baker displayed the street light ordinance on the overhead and questions were answered by Mr. Baker.

Alderman Price made a motion to pay for the street lights dating back from the starting date to September. Alderman Musich seconded the motion.

7 Aye, 1 Abstain (Mark Colombo)

F. Director of Parks & Recreation, Gerald Brown stated the ribbon cutting ceremony for the new playground will be October 21. The first annual hayride was a huge success.

G. Treasurer/Collector, Mike Sawicki reported the financial report is circulating, and thanked Mr. Lehmann for all of his hard work.

COMMITTEE REPORTS

- a) Finance Committee- Alderman Gau stated nothing to report.
- b) Economic Development Committee - Alderman Baebler stated the next meeting is October 13.
- c) Parks & Recreation Commission – Alderman Kostial stated reviews have begun on bid packets for the athletic fields at Mini Ha Ha. The aquatic facility is being winterized. Alderman Kostial announced upcoming events.
- 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 at the October 6 meeting updates were given on the West Watson road project, the Eddie & Park sidewalk project and the East Watson sidewalk project. The public works roof is in need of repair. Four bids were taken and one was thrown out. The best and lowest bid was from Baumstark Roofing for \$46,364.00.

Alderman Musich has asked the board for a budget adjustment for this amount. Mr. Baker stated the budget adjustment is on tonight's agenda. Alderman Musich stated the next public works meeting is November 3, at 6pm.

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



NEW BUSINESS

Bill No. 26 – An ordinance adopting a purchasing policy for the City of Sunset Hills. FIRST READING

Alderman Bersche read bill No. 26 for the first time.

Bill No. 27 – An ordinance repealing and restating Chapter 2, Article VI, Sections 2-211 and 2-212 of the Code with respect to the Police Advisory Board FIRST READING

Alderman Colombo read Bill No. 27 for the first time.

Bill No. 28 – An ordinance authorizing the City of Sunset Hills, Missouri to enter into a lease purchase transaction, the proceeds of which will be used to pay the costs of refunding all of the outstanding certificates of participation (City of Sunset Hills, Missouri, Lessee), Series 2009; and authorizing the execution of certain documents and actions in connection there with. FIRST READING

Alderman Krueger read Bill No. 28 for the first time.

Bill No. 29 – An ordinance granting an Amended Conditional Use Permit to BMGR SSHD LLC for the construction of a new hotel building at 3660 South Lindbergh Boulevard. FIRST READING

Alderman Gau read Bill No. 29 for the first time.

Resolution No. 395 – A resolution approving a tax and disclosure compliance procedure for the City of Sunset Hills, Missouri.

Alderman Kostial read Resolution No. 395.

Mr. Sterman stated this resolution is related to the refinancing of the 2009 debt and the reissuance of new debt in 2016.

Mr. Jason Terry, bond counsel with Gilmore and Bell gave a brief discussion on the city's tax exempt obligations. In 2012 the IRS sent notices that all insurers of tax exempt debt should have their own tax policies and procedures in place. This resolution approves the policy for the city and designates the director of finance as the bond compliance officer.

Alderman Gau made a motion to approve Resolution No. 395. It was seconded by Alderman Colombo, and the motion was unanimously passed.

 **Resolution No. 396 – A resolution approving an amendment of the 2016 City of Sunset Hills Budget.**

Alderman Bersche read Resolution No. 396.

Mr. Baker stated this is for the budget adjustment for the public works roof. He stated the current roof is 17 years old and the shingles are bubbling and deteriorating.

Mayor Fribis asked if damage to the roof could have been due to the tornado. Mr. Baker will contact the insurance company.

Alderman Gau asked were the money to offset this adjustment would come from. Mr. Sterman answered the money will be coming from capital fund money that was not spent this year.

Alderman Gau made a motion to approve Resolution No. 396. It was seconded by Alderman Price and the motion was unanimously passed.

 **Resolution No. 397 – A resolution approving a contract with Baumstark Roofing, Incorporated and authorizing the Mayor to execute the same on behalf of The City of Sunset Hills.**

Alderman Baebler read Resolution No. 397.

Alderman Baebler made a motion to approve Resolution No. 397 to contract Baumstark Roofing to replace the roof and authorizing the Mayor to execute the same on behalf of the City of Sunset Hills. It was seconded by Alderman Gau and the motion was unanimously passed.

REQUEST TO BE HEARD (Non Agenda Subject)

Ms. Sandra Ankney distributed exhibits relating to the deer ordinance and explained each one. She indicated she has four questions and read them relating to the deer ordinance. Mayor Fribis asked Ms. Ankney to leave a copy with Mr. Sterman and they will be answered.

Mr. Cliff Underwood spoke about the election date of November 7 and absentee votes.

INVOICES TO BE APPROVED

Alderman Krueger made a motion to approve payment of the invoices. Alderman Gau seconded the motion and it was unanimously approved.

APPOINTMENTS

(a) Mike Svoboda-Planning and Zoning Commission. Alderman Gau made a motion to approve the above appointment. Alderman Musich seconded the motion, and it was unanimously approved.

RE-APPOINTMENTS

A MOTION TO HOLD A CLOSE MEETING

A motion was made to hold a closed meeting, vote and record immediately following adjournment of the November 8, 2016 and November 22, 2016 meetings.

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

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

ADJOURNMENT

Alderman Musich made a motion to adjourn the meeting. The motion was seconded by Alderman Gau and it was unanimously approved. The meeting adjourned at 9:00 p.m.

Recording Secretary

A handwritten signature in cursive script, appearing to read "Dede Hendricks", is written on a light yellow rectangular background.

Dede Hendricks