

MINUTES OF THE REGULAR MEETING
OF THE BOARD OF ALDERMEN
OF THE CITY OF SUNSET HILLS MISSOURI

HELD ON August 11, 2020

BE IT REMEMBERED that the Board of Aldermen of the City of Sunset Hills, Missouri met in regular session held via Zoom on August 11, 2020. The meeting convened at 6:00 pm.

The meeting began with the reciting of the Pledge of Allegiance.

ROLL CALL:

Pat Fribis	-Mayor
Dee Baebler	-Alderman Ward I
Ann McMunn	-Alderman Ward I
Casey Wong	-Alderman Ward II
Steve Bersche	-Alderman Ward II
Nathan Lipe	-Alderman Ward III
Cathy Friedmann	-Alderman Ward III
Mark Colombo	-Alderman Ward IV
Thompson Price	-Alderman Ward IV
Susanna Messmer	-Finance Director
Bryson Baker	-City Engineer
Gerald Brown	-Director of Parks & Recreation
Stephen Dodge	-Chief of Police
Robert E. Jones	-City Attorney

APPROVAL OF MINUTES;

Alderman Lipe made a motion to approve the minutes of the July 14, 2020 regular meeting and the July 28, 2020 special meeting. Alderman Price seconded the motion and it was unanimously approved.

PROCLAMATION: -

Mayor Fribis read the proclamation declaring July 23, 2020 as Jerry Cox Day in the City of Sunset Hills.

Mayor Fribis read the proclamation declaring the week of September 17-23, 2020 as "Constitution Week".

CONSENT AGENDA:

Bills to be approved

Alderman Lipe made a motion to approve the consent agenda. Alderman Colombo seconded the motion and it was unanimously approved.

PUBLIC HEARING: The Board of Aldermen will consider a petition for the adoption of a Development Plan and Chapter 353 Property Tax Abatement. Petitioners see the formation of the 3650-3660 S. Lindbergh Community Improvement District

Mr. Ruben stated all parties have met on this development several times. He gave a brief background statement regarding this tax abatement and plan.

Alderman Wong requested a second public hearing on this due to the development plan not being attached to the on-line agenda. Mr. Ruben stated the development plan was submitted two months ago. Mr. Jones stated the hearing was still valid even though the development plan was not hyper linked to the website.

A discussion was held regarding if anyone saw this development plan which is different than the development agreement. Mr. Jones stated it was submitted in June to the board. Alderman Wong said the plan is different than the agreement.

Mr. Ruben stated he drafted it and it was available in June, he apologized for the confusion and stated they were two separate documents. He said he would re-submit it.

Mayor Fribis asked if this should be postponed until August 25. Everyone was in agreement.

PUBLIC HEARING: The Board of Aldermen will consider a petition for rezoning from NU, Non-Urban to PD-LI Planned Development – Light Industrial at 13098 Gravois Road.

Mr. Marty Henson stated there are four tracts that will be sub-divided into 9 lots. This petition is for rezoning, so that all 9 lots are zoned the same.

Alderman Price asked if this is something we wouldn't do. Mr. Baker said this is just a cleanup.

PUBLIC HEARING: The Board of Alderman will consider a petition for a Preliminary Development Plan for properties at 13066, 13084, 13086 & 13098 Gravois Road

Mr. Marty Henson stated these are the same tracts that are waiting for approval. Mr. Baker stated they are parceling off multiple existing properties, and getting prepared for the development.

Alderman Wong asked about the elevation. Mr. Henson stated right now it's at 420.2 and the other lots will be at 428.

PUBLIC HEARING: The Board of Aldermen will consider a petition for a Minor Subdivision for properties at 4055 South Lindbergh Blvd and 9255 Robyn Road

Mr. Baker stated this is the Krueger parcel, and would like to make a small subdivision with two additional parcels.

Mr. Guthrie stated they are looking for approval to have two lots divided in half. He stated one concern is to address addresses, and one a variance. He explained the exiting and entering onto Robyn due to the curve.

Mayor Fribis asked how the homes would be laid out for driveways. Mr. Matt Poston answered this stating plans have been submitted to the staff.

Mayor Fribis asked about sidewalks along Lindbergh and Robyn. Mr. Guthrie said they are just dividing the lots. He stated the individual lot owners will submit their plans. Mr. Guthrie stated he did not know this was required and this sidewalk would lead nowhere.

Mr. Baker stated both lots will be responsible for sidewalk placements according to the ordinance. If they opt out, then the sidewalk fee would be in place. Mr. Guthrie asked what the amount would be. Mr. Baker stated the amount will be calculated later.

PUBLIC COMMENT:

Mr. David Stokes, Executive Director of the Great Rivers Habitat Alliance, stated his concern is with Bill 3 and 4. He stated these proposals would harm valuable floodplains, making flooding worse in the area.

Mr. Gary Vincent listed six different areas of concerns, blighting, Mr. Sheevam asking for the tax abatement when hotel is 80% done, tax incentives gives the City nothing, the Hilton tax incentives gives the City nothing, parking, and the CID and 353 tax abatement only benefits Mr. Sheevam and the Sybergs.

OLD BUSINESS:

Bill No. 2 – An Ordinance approving the Petition for the 3650-3660 S. Lindbergh Community Improvement District and establishing same

Alderman Lipe made a motion to move Bill No. 2 from the table. Alderman Bersche seconded the motion.

Per Mayor Fribis a Roll Call was taken, results were 8 ayes.

Bill No. 2 has been removed from the table. Bill has been read one time, then amended, then tabled. It was removed from being tabled and now can be discussed.

Ms. Lashley stated some significant changes have been made, she stated the original 353 tax abatement, was asking for a 10-year, 100% abatement, then a 15-year at 50% abatement, it now has changed to 100% abatement in years 1-5 and 50% abatement in years 6-10 and no abatement beyond year 10. The CID was originally a 1% sales tax, and a \$4.00 room tax per night, and now it's just a 1% sales tax. She stated there will not be a parking garage and will not pay for any demolition.

The Sybergs would take two residential homes (they own) to be demolished and turn them into parking spaces, instead of the garage. Mr. Syberg explained the new plan.

Alderman Price stated this would be an employee parking area for both the hotel and the restaurant. Mr. Syberg stated yes.

Alderman McMunn stated she is not in favor of tearing down two homes for parking. Mr. Sheevam spoke on why the decision was to remove the homes, for parking. Some Aldermen also weighed in on removing the homes for a parking lot, CID and tax abatement.

A brief question and answer session between Alderman Wong and Mr. Sheevam ensued.

After a brief statement from Mr. Sheevam, he suggested to form a 3-man committee to negotiate what this body wants from the Sybergs and him. He stated we have to move forward.

Alderman McMunn stated she likes the parking garage idea better than tearing down two homes. She stated the second plan with parking in front of Helen's is fine.

Alderman Colombo asked if the front parking at Helen's and the garage could be obtained with the just the CID and not the 353.

Mr. Doering stated the 353 is a vital piece of this, the garage is non-revenue generating which the assessor will tax.

Alderman Price stated he does not agree with some of the discussion he has heard, but this is a long-term investment for the City. He stated he has heard for four years that we need to improve our commercial area.

Alderman Bersche stated he understands that this development has become frustrating and that Mr. Sheevam is trying to please us. He stated a three-member panel sounds like a good idea.

Mr. Jones stated if the two homes are torn down, that would need to be rezoned, along with the original plan regarding the parking garage.

Alderman Lipe stated he liked the idea of the parking in front of Helen's and the garage.

Alderman Friedmann stated she is opposed to changing residential into commercial, and that the taxpayers should not underwrite Mr. Sheevam's vision. She would like to see a revision for the CID.

Mr. Syberg stated they have listened to everything that was said and he appreciates all the input. He would like to see a CID regardless of the dollar amount and asked to re-consider the 353.

There was additional discussion about the parking and garage.

Alderman Colombo made a motion for the Mayor to appoint a 3-member panel to negotiate this development and make recommendations. Alderman Lipe seconded the motion.

A show of hands vote was taken. The results were 4-Yes and 4-Nays (Tie). The Mayor voted Yes, to break the tie.

The Mayor stated if you would like to serve on this panel to please contact her. She stated she will make sure the panel will be evenly split.

CITY OFFICIAL AND COMMITTEE REPORTS:

City Administrator- vacant

Finance Director – Susanna Messmer stated nothing to report.

Chief of Police – Stephen Dodge stated nothing to report.

City Attorney – Robert E. Jones stated nothing to report.

City Engineer – Bryson Baker stated nothing to report

Director of Parks & Recreation – Gerald Brown stated an organization would like to have BMX track at Minnie Ha Ha Park, more details to follow.

COMMITTEE REPORTS:

Finance Committee – Alderman Colombo stated nothing to report.

Economic Development Committee – Alderman Price stated the Aug 3, meeting was cancelled due to lack of quorum. Next meeting will be on Sept. 14 due to the holiday.

Parks & Recreation Commission – Alderman Bersche stated nothing to report.

Police Advisory Board – Alderman Bersche stated a meeting will be held next week.

Public Works Committee – Alderman Lipe stated nothing to report.

NEW BUSINESS:

Bill No. 3 – An Ordinance approving a zoning change from NU Non-Urban to PD-LI Planned Development-Light Industrial for the property at 13098 Gravois Road

FIRST READING

***Petitioner has requested a second reading**

Alderman McMunn read Bill No. 3.

Alderman Colombo made a motion to suspend the rules and read Bill No. 3 for a second time.

Alderman Price seconded the motion.

ROLL CALL VOTE:

Vote: Motion tied (summary Yes=4, No = 4).

Yes: Alderman Colombo, Alderman Price, Alderman Bersche, Alderman Lipe

No: Alderman Wong, Alderman Baebler, Alderman McMunn, Alderman Friedmann

Motion Failed

Bill No. 4 – An Ordinance approving the Preliminary Development Plan for the property at 13098 Gravois Road

FIRST READING

***Petitioner has requested a second reading**

Alderman Friedmann read Bill No. 4.

Alderman Price made a motion to suspend the rules and read Bill No. 4 for a second time.

Alderman Bersche seconded the motion.

ROLL CALL VOTE:

Vote: Motion failed (summary Yes-5, No =3)

Yes: Alderman Baebler, Alderman Bersche, Alderman Colombo, Alderman Lipe,
Alderman Price,

No: Alderman Friedmann, Alderman Wong, Alderman McMunn

Bill No. 5 – An Ordinance providing for the approval of a Subdivision Plat for Sunset Terrace lots 60 and 61B Subdivision as provided in Appendix A, Section 5 of the Code of Ordinances of the City of Sunset Hills, Missouri
FIRST READING

Alderman Wong read Bill No. 5 for a first reading.

APPOINTMENTS: none

Re-APPOINTMENTS: none

GENERAL DISCUSSION:

Mayor Fribis stated the Rugby team's traffic study failed. Mayor Fribis asked if they had any other recommendations with traffic. Mr. Baker stated no formal recommendations were made, other than a designated right turn lane.

Alderman Lipe asked if the City has looked at this intersection before. Mr. Baker stated there is no designated right hand turn there but there is room for cars to go around. Alderman Lipe stated on the report, this could be widened. Mr. Baker stated MoDOT would have to approve it. Alderman Lipe stated the City could look into this and come up with a solution.

Mayor Fribis stated we should give the Bombers a time limit on their contract, what are their options. Alderman Lipe stated the right-hand turn lane could be widened and restriped. A discussion was held on the improvements at this intersection and if this would pass the traffic study for the Bombers.

Alderman Wong stated we already passed the development plan and we have a lease, so this should be pursued. Mayor Fribis stated something needs to be addressed, they have not met all of the requirements. Alderman Lipe said they have jumped through hoops and answered every question to get to play rugby.

Alderman Baebler stated that the conditions have not been met, so they failed the traffic study. There was more discussion on the conditions and the right and left turn lanes.

Alderman Baebler made a motion to notify the Bombers that they are in default under the terms of the lease and have 90 days. (traffic study & no construction within 180 days)

Mr. Jones explained some of the conditions of the lease.

Alderman Price stated that the safety of this intersection would be the City's responsibility to improve.

Alderman McMunn seconded Alderman Baebler's motion.

ROLL CALL VOTE:

Vote: Motion failed (summary Yes= 5, No = 3)

Yes: Alderman Baebler, Alderman Friedmann, Alderman McMunn

No: Alderman Bersche, Alderman Colombo, Alderman Lipe, Alderman Price, Alderman Wong

Mayor Fribis suggested working with Bombers and see what we can do with this intersection.

Alderman Colombo suggested to give them 90 days.

Mayor Fribis stated she received an email in reference to an Alderman asking a developer to sign a non-conflict of interest form. Mr. Jones stated he was not aware of this. He explained elected officials should not get involved with any situations which would pose a conflict of interest. Mayor Fribis asked if this was out of line, and the developer felt this was very inappropriate.

A brief discussion was held regarding this email.

Alderman Price had a concern about un-kept properties and what we can do. We have an Ordinance, is there something we can do about these homes not being maintained? Mr. Jones stated homeowners usually get a summons to appear in court. However due to COVID - 19 we have not had any in-person court. Mr. Baker explained some of these residents will clean up their property, and then let it go again, and we start the process all over again. Alderman Price stated other options should be in place. Mr. Baker stated this is a long process, and usually a court summons gets their attention.

REQUEST TO MEET IN CLOSED SESSION:

Request to meet in closed session pursuant to 610.21.3 and 610.21.1 RSMo. to discuss legal matters

Alderman Lipe made a motion to go into close session. Alderman Price seconded the motion. The meeting adjourned at 9:05 p.m. to close into close session.

ROLL CALL VOTE:

Vote: Passed (Summary Yes=8)

Yes: Alderman Colombo, Alderman Bersche, Alderman Price, Alderman Friedmann, Alderman Wong, Alderman McMunn, Alderman Baebler, Alderman Lipe

ADJOURNMENT:

Alderman Lipe made a motion to adjourned the meeting. Alderman Wong seconded the motion and it was unanimously approved. Meeting adjourned at 9:20 p.m.

Recording Secretary

