

MINUTES OF THE REGULAR MEETING
OF THE BOARD OF ALDERMEN
OF THE CITY OF SUNSET HILLS MISSOURI
HELD ON AUGUST 14, 2018

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 14, 2018. The meeting convened at 6:00 p.m.

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

ROLL CALL:

Present:

Patricia Fribis	-Mayor
Denetra Baebler	-Alderman Ward 1
Ann McMunn	-Alderman Ward 1
Steve Bersche	-Alderman Ward II
Casey Wong	-Alderman Ward II
Kurt Krueger	-Alderman Ward III
Nathan Lipe	-Alderman Ward III
Mark Colombo	-Alderman Ward IV
Thompson Price	-Alderman Ward IV
Eric Stermann	-City Administrator
Susanna Messmer	-Finance Director
Bryson Baker	-City Engineer
Gerald Brown	-Director of Parks and Recreation
Stephen Dodge	-Chief of Police
Robert E. Jones	-City Attorney

APPROVAL OF MINUTES:

Copies of the minutes of the July 10, 2018 Board of Aldermen regular meeting and closed meeting were distributed to the members for their review. Alderman Price made a motion to accept the minutes as read. Alderman Krueger seconded the motion and it was unanimously approved.

CONSENT AGENDA:

1. Bills to be approved
2. Request be Prestige Pools for a tent sale August 24 through September 2, 2018

3. Request by St. Justin the Martyr for a temporary liquor license for their Annual Fall Festival September 28 & 29
4. Disposal of surplus property

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

PUBLIC HEARING: The Board will consider a petition for an Amended Conditional Use permit, submitted by Dr. Abid Nisar, for the expansion and rebranding of an existing hotel at 1580 South Kirkwood Road.

Mr. Baker stated that this is the Hampton Inn and its zoned C-1. The petitioner is proposing to make changes to this hotel. Mr. Baker stated the changes would be updating the exterior facade; change to a different brand (franchise), the canopy will be replaced with a new two story lobby and curb cuts. He stated they have met all current standards, with the variances they received, but their sidewalks must meet the ADA Act and staff recommended the ADA sidewalks.

Mr. Steve Rush was presented and stated he is with Sight Development Engineering and will answer any questions from the board. He stated the entrances will be widened.

Alderman Baebler asked about the rental properties Dr. Nisar owns. Alderman Bersche asked about cleaning up the area of the rental properties.

Mr. Baker stated Dr. Nisar properties have been reviewed and a letter has been sent to him. He stated Dr. Nisar has taken care of some of the items in the letter but not all of them. He stated the remaining items will be addressed through the Municipal Court.

Alderman Krueger stated so Dr. Nisar who is proposing this plan has properties that are in disarray. Mr. Baker said yes he has four houses along Deane Court, the owner was sent a letter and a due date to have those issues corrected.

Alderman Krueger asked why he was changing flags. Mr. Rush stated he could not answer that question.

Alderman Baebler asked for the answers to these questions before we make a decision on this plan.

PUBLIC HEARING: The Board will consider a petition for an Amended Development Plan, submitted by Edison Real Estate, LLC, for redevelopment of the property at 3720 South Lindbergh Blvd

PUBLIC HEARING: The Board will consider a petition for a Conditional Use Permit, submitted by Edison Real Estate, LLC for MVOB Uses (Gas Station with a convenience store, car wash and drive through restaurant) at 3720 So. Lindbergh Blvd

Mr. Baker explained these two plans. He stated the owner will present a power point during this meeting. This property is the former Econo Lodge. Mr. Baker stated the hotel will be razed and the property re-developed with a car wash, gas station, convenience store, and drive

thru restaurant. He stated all the variances have been approved and a traffic study was also conducted. The staff had recommended some conditions, two loading spaces; a revision to the lighting plan and enhance landscaping and MoDot has endorsed the traffic study. Two recommendations were not forwarded by Planning and Zoning; eliminate one of the driveways on East Watson, they are proposing two. The staff recommended against the second driveway, the second was to create a cross access to property east and south, but the applicant has now added cross access on their site only. The staff recommended limiting the time for the car wash operation, but the gas station could be open 24 hours.

Mr. Baker explained some issues regarding traffic study.

Mr. Brandan Harp of Civil Engineering Design Consultants was present and began his power point and presentation.

Alderman Wong asked what year the Comprehensive plan was that Mr. Harp was referring too. Mr. Harp replied the City's current one.

Alderman Price asked what are loading spaces. Mr. Harp stated they are designated areas for deliveries made to the gas station.

Alderman Price asked if this is a self-service car wash or a full service car wash. Mr. Harp explained the tunnel car wash is full service, and then becomes a self-service after 8 p.m.

Mr. Mace Nosovitch explained the operation of the car wash. He stated this type of car wash is a flex serve. He stated they can either have full service or self-service. Mr. Nosovitch the full service will be shut down around 8 pm and self-service around 10 pm.

Alderman Krueger complimented Mr. Harp for a very informative presentation. Alderman Krueger asked what the drive thru restaurant is. Mr. Nosovitch replied it is a Smoothie King and will serve just smoothies. Alderman Krueger asked about the left turn lane and if there is going to be a signal. Mr. Harp answered yes a left turn signal will be added.

Alderman Krueger asked so we are getting a protective left turn from the opposite side. Mr. Harp replied yes.

Ms. Julie Nolfo, professional traffic engineer explained how this reconfiguration will be made.

Alderman Krueger asked what percentages of the food, gas and liquor would be generated. Mr. Nosovitch stated the gas would fluctuate with gas prices, liquor would be about 15%, and food would be around 60% plus the other shops. Alderman Krueger asked if the employees would be in uniforms. Mr. Nosovitch replied yes.

Alderman Colombo asked about the timing of the traffic light at this intersection. Ms. Nolfo stated the current timing was added in during the study. Alderman Colombo stated right now there is no dedicated left turn. Ms. Nolfo replied not for East/West. Alderman Colombo asked if the green light will stay on longer. Ms. Nolfo stated MoDOT has agreed to add 4/5 seconds more. Ms. Nolfo explained more about the intersection's re-development.

Alderman Colombo stated any new development at this intersection will bring more traffic. Alderman Colombo asked about the cross access with residents in this area. Mr. Harp

replied we can only provide cross access on our property from the south and we are in agreement.

Mr. Nosovitch stated both sides of the neighbors have been contacted and it's still in the reviewing/pending stage.

Alderman Bersche asked about the improvements at the intersection and how to upgrade it a D to a C. Ms. Nolfo explained how this would work and the different levels at peak hours vs Saturdays. She stated we are on the border line between a C and D.

Alderman Wong addressed several questions one being the difference between the City's comprehensive plan and planning analysis. Mr. Baker replied the planning analysis is the sub area plan just more detailed. Alderman Wong asked if this was adopted by the Board of Alderman. Mr. Jones answered the Board of Aldermen did not adopt any part of the comprehensive plan.

Alderman Wong asked Mr. Harp about p. 36 to restrict the development of additional gas stations. Mr. Harp said this information was provided by the City.

Alderman Wong asked what the difference was between traffic congestion and traffic hazards. He asked about how many accidents occur at this intersection. Mr. Harp replied he does not have that data. Alderman Wong asked wouldn't this have been included in the traffic study. Mr. Harp stated he has never been asked to provide that type of information.

Alderman Wong asked for more data before we can make a decision. Ms. Nolfo then spoke about what all goes into a traffic study. She stated accident data would come from your police department. Alderman Wong asked how many cars traveled this area on a day to day basis. Ms. Nolfo answered around 4000 – 5000 cars daily, based on the traffic generation her company used. She then explained more in detail about the traffic in peak hours.

Mr. Nosovitch spoke on the traffic flow and in Chesterfield they do about 1000-1500 customer visit a day. He stated traffic volume on Lindbergh is approximately 29,842.

Alderman Wong and Ms. Nolfo had discussions on the traffic flow on Lindbergh, ITE trip manual, Trip Generations Projections, technical memo and ITE numbers.

Alderman Wong asked approximately how many residents has Mr. Nosovitch spoke to on this development. Mr. Nosovitch answered over 50 residents plus business owners. He clarified an issue regarding the traffic study for Alderman Wong. He stated in the traffic study there is no specific category (car wash/gas station) for this, its grouped with super sites, it's a generic term.

Alderman Wong asked after hearing from the residents tonight will this change the assessment as to the development adversely affects the character of the neighborhood. Mr. Nosovitch answered there is no perfect development and everyone should weigh the pros and cons.

Mayor Fribis announced approximately 20 residents will speak on this development and each will be limited to 3 mins.

Ms. Mary Reichardt stated she has lived here for 30 years. She stated this change will help the city's income and modernization. She stated people want services today and this will help the children of the City with jobs and she is in favor of this development.

Mr. Stephen Spiros has lived here for 39 years. His concerns with this development are the intersection and traffic jams, the tanker and delivery trucks and how they will enter and exit this property.

Ms. Ann Larson stated she is in opposition of this development. Her opinion is that this is not the best option for this location. She presented a picture of the traffic flow on Lindbergh this morning, and in less than hour she took another picture and it showed heavy traffic on a normal morning.

Ms. Carol Eskew stated she lives here for 39 years. She stated commercial businesses have grown. She gave statistics on restaurants, coffee shops, gas stations, etc. She feels we do not need any more gas stations or car washes, she opposes this development.

Mr. Randy Latal stated we do not need another gas station. His main concern is the traffic and is opposed to this development.

Ms. Joan Lingeman stated she has attended the planning and zoning meetings regarding this development plan. Her concern is the traffic at this intersection and being opened 24 hours.

Ms. Jan Burmeister stated this development plan is not the best choice for this corner.

Dr. Rose Hiner stated the traffic is already heavy on a day to day basis. She stated she goes the opposite way to work due to the traffic congestion at this intersection.

Ms. Kathryn Heese stated she feels another viable development will come forth beside this development and asked the board to reject this proposal.

Ms. Tina Watson stated she is opposed to this development because of traffic, pollution, crime, safety, health and well-being of the community.

Mr. Frans Von Kaenel an attorney, stated they he has nothing but positive experiences with the developer. He stated he full supports this plan development.

Ms. Gloria Wagstaff stated she picks up a lot of trash in front of her property and along East Watson from residents littering. She stated she has no problem finding a car wash, or convenience store in the area.

Dr. Kurt Eichholz stated he feels this is a good opportunity for this site and this is a commercial site, anything that is constructed here will bring in more traffic. He stated retail is down due to Amazon.

Mr. James Woelich stated he would like the board to deny this proposal.

Ms. Kathy Lalk stated her concern is the traffic and accidents that will happen and asked the board to deny the request.

Ms. Pat Gioia asked the board to go to a developer and asked for the best use for this property, and not a car wash and gas station.

Mr. Jesse Finney stated he is in full support of this development, this owner is not asking for any money from the City.

Mr. Mark Kornfeld stated we do not need retail at this site, and the City should accept this proposal. He stated this property is asking \$2 1/2 million dollars, a standalone restaurant could not be built here. He stated a restaurant only tops out at \$1 million dollars for a piece of property.

Dr. Michael White stated he is a Sunset Hills business property owner. He asked how long will this site sit empty and would like to see this business built. He stated he supports this development.

Mr. TJ Moe part owner of Smoothie King and said he has been looking for a site for his business. He explained what Smoothie King is, is to create a healthy place to come and would be a great asset to the community.

Mr. Vernon Remiger stated he would like the board to listen to Public Works staff. His concern is the traffic study and right turn lane.

PUBLIC HEARING: The Board will consider a petition for an Amended Conditional Use Permit, submitted by Syberg's Family Restaurants, for changes to the approve Conditional Use Permit for a new building in excess of 7,500 square feet at 10150 West Watson

Mr. Baker explained this public hearing and the request for a lot split. Mr. Baker stated the owners would like to build a smaller building, in addition to the other building already on the property and have fewer parking spaces. He stated the staff recommended approval.

Mr. Bret Syberg and Mr. Mark Doering were present and gave a slide show on the site. Mr. Doering stated no public will be coming into these two buildings.

Mr. Syberg explained the second building would be Executive Dining Corporate Office. Mr. Syberg stated his business will occupy the second building.

Alderman Colombo asked about the fence in the back of the property. Mr. Doering stated the fence will be replaced and the wild life will stay as is.

PUBLIC HEARING: The Board will consider a petition for a Text Amendment, submitted by the City of Sunset Hills, to make changes to Appendix B, Section 7.3-3(B)

Mr. Baker stated this is in regards to the traffic study. He stated a developer is required to submit a traffic study when doing a conditional use permit that requires motor

vehicle business. Mr. Baker said this text amendment would allow the city to hire the traffic engineer to conduct the study and that the applicant will then reimburse the city.

PUBLIC COMMENTS:

Mr. Tim Fitch was present and announced that he is running for St. Louis County Council and he would be representing Sunset Hills and if there is anything he can do to help the City to let him know.

Mr. Bruce Becker spoke on the Syberg's proposal. His concerns were eliminating the parking spaces if this should ever become a restaurant again.

Mr. Scot George spoke on the Meramec River Bike Trail he distributed a handout regarding these bike trails and explained his concerns.

OLD BUSINESS:

Bill No. 12 – An Ordinance amending the landscaping and screening requirements of the City of Sunset Hills by prohibiting the planting of invasive plants.

SECOND READING

Alderman Bersche read Bill No. 12. Alderman Baebler made a motion to approve Bill 12. Alderman Krueger seconded the motion.

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

Yes: Ann McMunn, Casey Wong, Dee Baebler, Kurt Krueger, Mark Colombo, Nathan Lipe, Steve Bersche, Thompson Price

Mayor Fribis announced that Bill No. 12 becomes Ordinance #2102.

CITY OFFICIAL AND COMMITTEE REPORTS;

City Clerk/City Administrator, Eric Sterman stated he and the Mayor visited the POW MIA veterans that support the POW MIA city program. He stated the City gave a brief presentation and they selected us to become part of that program. He stated they will be attending our September meeting to present information to the City.

Finance Director, Susanna Messmer, stated nothing to report.

Chief of Police, Stephen Dodge, stated nothing to report.

City Attorney, Robert Jones, stated nothing to report.

City Engineer, Bryson Baker, gave updates on the East Watson sidewalk project and the head walls on Rott Road he stated these projects should be completed in a

couple of weeks. He stated the head wall project on Eddie & Park should be starting and finished in the next month.

Director of Parks & Recreation, Gerald Brown stated a resolution on tonight's agenda is a grant for a slide at the aquatic facility. He stated this is a joint venture between four municipalities; Grantwood Village, City of Lakeshire, Green Park and City of Sunset Hills. He stated questions regarding liability insurance were addressed and our insurance rep stated additional cost will not exceed \$1500.00.

Mr. Brown explained the maintenance schedule, additional lifeguards and overcrowding. He stated the construction of this slide will be \$0 cost for the city.

Alderman Lipe asked how much this would cost to construct. Mr. Brown replied zero.

Alderman Wong asked where this slide would be placed. Mr. Brown said this is a standalone slide, run off its own pump and it is called a run off slide. He stated it does not go into the competition pool.

COMMITTEE REPORTS:

Finance Committee – Alderman Colombo stated the auditors attended the finance meeting and gave the City an unmodified rating.

Economic Development Committee – Alderman Baebler stated a coffee with Mayor is scheduled for September 17 at 8:00 am at Panera Corporate Office.

Parks & Recreation Commission – Alderman Bersche stated the aquatic center has reduced hours, the Triathlon is August 26, the Suncrest Fest is September 22, 11am -8 pm and the first annual bike cruise is October 5 at 10 pm.

Police Advisory Board – Alderman Bersche stated nothing report.

Public Works Committee – Alderman Krueger stated nothing to report.

NEW BUSINESS:

Bill No. 13 – An Ordinance providing the approval of a Subdivision Plat for a lot split of the property at 10229 East Watson Road as provided in Appendix A, Section 4 of the Code of Ordinances of the City of Sunset Hills, Missouri

FIRST READING

Petitioner has requested a second reading

Alderman Lipe read Bill No. 13.

Alderman Colombo made a motion to suspend rules and read Bill No. 13 a second time. Alderman Price seconded the motion.

Roll Call Vote: Motion failed (summary: **Yes = 7, No = 1**).

Yes: Ann McMunn, Dee Baebler, Kurt Krueger, Mark Colombo, Nathan Lipe - Alderman Ward III, Steve Bersche, Thompson Price.

No: Casey Wong

Bill No. 14 – An Ordinance granting an Amended Conditional Use Permit to Dr. Abid Nisar dba Nismark, LLC for the expansion and rebranding of an existing hotel building at 1580 S. Kirkwood Road

***Petitioner has requested a second reading ***

Alderman Price read Bill No. 14.

Alderman Price would like to seek some answers before voting on this a second time.

**Bill No. 15 – An Ordinance providing for the approval of a Subdivision Plat for a lot consolidation to combine two lots at 9262 Rott Road as provided in Appendix A of the Code of Ordinances of the City of Sunset Hills, Missouri
FIRST READING**

Petitioner has requested a second reading

Alderman Wong read Bill No. 15.

Alderman Colombo made a motion to read Bill No. 15 a second time. Alderman Price seconded the motion.

Roll Call Vote: Motion failed (summary: **Yes = 7, No = 1**),

Yes: Ann McMunn, Dee Baebler, Kurt Krueger, Mark Colombo, Nathan Lipe, Steve Bersche, Thompson Price .

No: Casey Wong

**Bill No. 16 – An Ordinance approving an Amended Development Plan for Edison Real Estate, LLC to allow changes to the Final Development Plan for the property located at 3720 So. Lindbergh Blvd
FIRST READING**

Alderman Baebler read Bill No. 16.

**Bill No. 17 – An Ordinance granting a Conditional Use Permit to Edison Real Estate, LLC for operation of a Development containing motor vehicle oriented businesses, including a gas station with convenience store, car wash and drive through restaurant at 3720 So. Lindbergh Blvd.
FIRST READING**

Alderman McMunn read Bill No. 17.

**Bill No. 18 – An Ordinance granting an Amended Conditional Use Permit to Syberg’s Watson Property, LLC for changes to the approved Conditional Use Permit for the construction of an office building at 10150 Watson Road
FIRST READING**

Alderman Krueger read Bill No 18.

Bill No. 19 – An Ordinance providing for the approval of a Subdivision Plat for a lot split of the property at 10150 Watson Road as provided in Appendix A, Section 4 of the Code of Ordinances of the City of Sunset Hills, Missouri
FIRST READING

Alderman Colombo read Bill No. 19.

Bill No. 20 – An Ordinance amending standards for motor vehicle oriented businesses by requiring reimbursement for a traffic study

Alderman Lipe read Bill No. 20.

Alderman Krueger made a motion to suspend the rules and read Bill No. 20 for a second time. Alderman Lipe seconded the motion.

Roll Call Vote: Motion failed (summary: **Yes = 7, No = 1**)

Yes: Ann McMunn, Casey Wong, Dee Baebler, Kurt Krueger, Mark Colombo, Nathan Lipe, Thompson Price.

No: Steve Bersche

FIRST READING

Bill No. 21 – An Ordinance prohibiting fixed basketball poles in the rights-of-way
FIRST READING

Alderman Bersche read Bill No. 21.

Alderman Colombo made a motion to suspend the rules and read Bill No. 21 a second time. Alderman Price seconded the motion.

Roll Call Vote: Motion failed (summary: **Yes =7, No = 1**)

Yes: Ann McMunn, Dee Baebler, Kurt Krueger, Mark Colombo, Nathan Lipe, Steve Bersche, Thompson Price.

No: Casey Wong

Bill No. 22 – An Ordinance authoring eminent domain proceedings against certain real property known and numbered as 3751 S. Lindbergh Blvd
FIRST READING

Alderman Wong read Bill No. 22.

Mr. Jones asked that this be read for a second reading.

Alderman Colombo made a motion to read Bill No. 22 a second time. Alderman Lipe seconded the motion.

Roll Call Vote: Motion failed (summary: **Yes = 7, No = 1**).

Yes: Ann McMunn, Dee Baebler, Kurt Krueger, Mark Colombo, Nathan Lipe, Steve Bersche, Thompson Price.

No: Casey Wong

Mr. Sterman stated this bill is for a sidewalk that the City is constructing.

**Bill No. 23 – An Ordinance revising Appendix F, Article IV, Division 1, Section 2.9 of the Code of Ordinances of the City of Sunset Hills regarding Right-of-Way usage fee
FIRST READING**

Alderman Price read Bill No. 23.

Mr. Jones stated that this Bill is related to House Bill 1991 that legislation recently passed. He stated a section of this bill will be in effect on August 28 and suggested to the board to read this a second time.

Alderman Price made a motion to suspend the rules and read Bill No. 23 for a second time. Alderman Colombo seconded the motion.

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

Yes: Ann McMunn, Casey Wong, Dee Baebler, Kurt Krueger, Mark Colombo, Nathan Lipe, Steve Bersche, Thompson Price.

Alderman Price read Bill No. 23 for a second time.

Alderman Krueger made a motion to approve Bill No. 23. Alderman Colombo seconded the motion.

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

Yes: Ann McMunn, Casey Wong, Dee Baebler, Kurt Krueger, Mark Colombo, Nathan Lipe, Steve Bersche, Thompson Price.

Mayor Fribis announced that Bill No. 23 to become Ordinance # 2103.

Resolution No. 475 – A Resolution approving an application of the Municipal Parks Grant Commission

Alderman McMunn read Resolution No. 475.

Alderman Lipe made a motion to approve Resolution 475. Alderman Colombo seconded the motion and it was unanimously passed.

Resolution No. 476 – A Resolution approving a contract with Collins and Hermann Infrastructure Solutions and authorizing the Mayor and/or City Administrator to execute the same on behalf of the City of Sunset Hills

Read Baebler read Resolution No. 476.

Alderman Price made a motion to accept Resolution No. 476. Alderman Baebler seconded the motion and it was unanimously approved.

Resolution No. 477 – A Resolution approving a project for Friendship Village of South County to be financed by the Industrial Development Authority of the County of St. Louis, Missouri

Alderman Colombo read Resolution No. 477. Alderman Colombo made a motion to approve Resolution No. 477. Alderman Price seconded the motion and it was unanimously approved.

APPOINTMENTS:

Re-appointments:

Katy Forand – Economic Development Committee- term expiring 7/12/20

Alderman Krueger made a motion to accept this re-appointment. Alderman Bersche seconded the motion and it was unanimously approved.

GENERAL DISCUSSION:

No discussions.

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

Alderman Bersche read the request to meet in closed session.

Alderman Krueger made a motion to meet in closed session. Alderman Price seconded the motion.

Roll Call Vote: Motion carried by unanimous roll call vote (summary: **Yes = 8**).
Yes: Ann McMunn, Casey Wong, Dee Baebler, Kurt Krueger, Mark Colombo, Nathan Lipe, Steve Bersche, Thompson Price.

The meeting adjourned to go into closed session at 8:57 pm.

ADJOURNMENT:

Alderman Colombo made a motion to adjourn the meeting. Alderman Baebler seconded the motion and the meeting adjourned at 9:35 p.m.

Recording Secretary

