

MINUTES OF THE REGULAR MEETING
OF THE BOARD OF ALDERMEN
OF THE CITY OF SUNSET HILLS MISSOURI
HELD ON MARCH 14, 2023

BE IT REMEMBERED that that the Board of Aldermen of the City of Sunset Hills, Missouri met in regular session in the Robert C. Jones Auditorium at City Hall, 3939 S. Lindbergh Boulevard and via Zoom on Tuesday March 14, 2023. The meeting convened at 6:00 p.m.

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

ROLL CALL:

Patricia Fribis	-Mayor
Ann McMunn	-Alderman Ward I
Christine Lieber	-Alderman Ward II
Cathy Friedmann	-Alderman Ward III
Lindsay Hof	-Alderman Ward IV
Fred Daues	-Alderman Ward IV
Brittany Gillett	-City Administrator
Susanna Messmer	-Finance Director
Bryson Baker	-City Engineer
Gerald Brown	-Director of Parks & Recreation
Stephen Dodge	-Chief of Police
Erin Seele	-City Attorney

Absent:	Brian Fernandez	-Alderman Ward I
	Casey Wong	-Alderman Ward II
	Randal Epperson	-Alderman Ward III

APPROVAL OF THE AGENDA:

Alderman Lieber made a motion to approve the agenda as listed. Alderman Daues seconded the motion and it was unanimously approved.

APPROVAL OF MINUTES:

Alderman Daues made a motion to approve the minutes as read for the February 14, 2023 regular and closed session meetings and the February 24, 2023 special meeting. Aldermen McMunn seconded the motion and it was unanimously approved.

PRESENTATION FOR THE POLICE DEPARTMENT 50TH ANNIVERSARY:

Mayor Fribis presented Chief Dodge with a plaque commemorating the Police Departments 50th year in service.

CONSENT AGENDA:

- a) Bills to be approved.
- b) Swank Motion Pictures request for special event Company Luncheon on May 10, 2023 at 10795 Watson Road.
- c) Request by Memories Car Club for annual Car Cruise at Faith Church 13001 Gravois Road on the first Friday of each month April through October 2023.
- d) Request from Laumeier Sculpture Park, 12580 Rott Road, for City sponsorship of the annual Art Fair May 12-14, 2023, temporary signage, and one way traffic on Rott Road during the event
- e) Request from El Agave Mexican Restaurant for a full liquor license with Sunday sales at 10893 Sunset Hills Plaza

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

PRESENTATIONS:

- a) Casey's Convenience Store and Gas Station concept plan 4504 S. Lindbergh

Mr. Joe Feldman with Cochran Engineering and Tony Kinney Project Manager for Midwest Petroleum reviewed the plans for remodeling the existing Casey's Store. There was discussion on whether or not they would have a car wash with the new structure. Mr. Feldman stated no car wash would be on the property and they are proposing 8 fueling stations including Diesel.

Mr. Kinney explained that the new store would be done high level and would have fresh made food and coffee selections.

- b) Gravel lot request

Mr. Norbert Glasgow attorney for Mr. Sheevam and Mr. Paul Cox with Bass Pro explained the need for a temporary gravel lot approved from April 1, 2023 through the end of June, with some flexibility. They stated the lot would be locked when not in use and also they would have security. There was discussion about the security of the lot as well as operating hours. Mr. Glasgow stated the agreement for the lot would be from 7am-11 pm.

Alderman Daues made a motion to approve the special event permit for the gravel lot. Alderman Lieber seconded the motion.

Discussion ensued on what measure the City had in place to ensure the gravel was removed after the special event.

Alderman Daues amended his motion to state removal of the gravel lot would need to begin by July 10, 2023 and a 15,000.00 escrow would also need to be in place in the event the gravel was not removed. Alderman McMunn seconded the motion and it was unanimously approved.

- c) Bass Pro Shop Occupancy

Mr. Grant Mechlin spoke on behalf of Bass Pro and asked for temporary occupancy since the sidewalks were not yet completed by MODOT.

Alderman Daues inquired if Sansone would be agreeable to taking financial responsibility for the sidewalks instead of an escrow. Mr. Mechlin stated yes, they would do that in lieu of an escrow.

Discussion ensued on whether or not a time limit should be set for completing the sidewalks.

Mr. Mechlin stated he understood the need for the escrow and would work with staff to ensure everything was completed as required.

Alderman McMunn made a motion to approve temporary occupancy for Bass Pro Shops through the end of 2025 with an escrow of 145,000.00 for completion of the sidewalks. Alderman Lieber seconded the motion and it was unanimously approved.

PUBLIC HEARING:

The Board will consider a petition for a Text Amendment, submitted by the City of Sunset Hills, to amend section 8.1 of the Unified Development Ordinance.

Ms. Gillett explained this would amend the City’s CUP process by adding language that gives the Board full authority to deny any request for a conditional use, to impose conditions on the use, or to revoke approval at any time in accordance with Section 8.4.4.

The Board will consider a petition for an Amended Conditional Use Permit, submitted by QPS Missouri Holdings, LLC, for changes to the business at 10425 Watson Road

Mr. Ankur Rungta spoke on behalf of QPS changing to a comprehensive dispensary with the recent passing of Amendment 3. Brief discussion was held on whether the parking would need to be changed to accommodate additional traffic. Mr. Rungta explained he had a parking agreement with Mr. Probst, the owner of the building, for 5 spaces which would be increased to 10 spaces.

Discussion ensued on the parking meeting code requirements. Mr. Brian Rensing with CBB Transportation Engineers & Planners, stated the parking was within code requirements. Mr. Rungta also stated they did not anticipate a large change in customers based on the other locations in the area.

PUBLIC COMMENT:

Mr. Paul Bucherich of 12423 W. Watson stated the residents were still against any commercial development on the Despotis properties.

Mr. Paul Kraus of 12420 Court Drive stated he was against commercial developments and the proposed development by Despotis.

Mayor Fribis read a comment submitted by Pat Peterson of 12425 Court Drive stating she was against the commercial developments proposed by Despotis.

Mr. Vince Linwedel of 12437 W. Watson stated he was against the proposed project for the Despotis lot.

Mr. Tim Wahlig of 9725 Fall Ridge Trail asked for an explanation on the commercial vehicle policy on the agenda. He stated he would like additional details so he knew what the definition of a commercial vehicle was, and the policy on overnight and driveway parking.

Mr. Baker gave a general explanation of what was considered a commercial vehicle and stated marked commercial vehicles were not allowed to park in front of the front building line of the property and not allowed to be parked in the street.

Old Business:

**Bill No. 43- An Ordinance approving a Minor Subdivision Plat for 4610 South Lindbergh Boulevard
SECOND READING**

Alderman McMunn read Bill No. 43 for a second reading.
Alderman McMunn made a motion to approve Bill No. 43.

Alderman Hof seconded the motion.

There was brief discussion on the conditions that were added. Mr. Steve Horn, realtor for the church stated the conditions were in the process of being met.

ROLL CALL VOTE:

Vote: **Passed** (Summary Yes=5)

Aye: Alderman McMunn, Alderman Lieber, Alderman Friedmann, Alderman Hof, Alderman Daues

Absent: Alderman Fernandez, Alderman Wong, Alderman Epperson

Mayor Fribis declared Bill No. 43 to become Ordinance # 2278.

**Bill No. 44- An Ordinance amending Section 3 and Appendix A of the Unified Development Ordinance of the City of Sunset Hills, Missouri relating to Planned Developments
SECOND READING**

Alderman Lieber read Bill No. 44 for a second reading.

Alderman Lieber made a motion to approve Bill No. 44.

Alderman Daues seconded the motion.

ROLL CALL VOTE:

Vote: **Passed** (Summary Yes=5)

Aye: Alderman McMunn, Alderman Lieber, Alderman Friedmann, Alderman Hof, Alderman Daues

Absent: Alderman Fernandez, Alderman Wong, Alderman, Alderman Epperson

Mayor Fribis declared Bill No. 44 to become Ordinance # 2279.

**Bill No. 45- An Ordinance amending Section 10 of the Unified Development Ordinance of the City of Sunset Hills, Missouri relating to duties of the Board of Adjustment, Appeals and variances
SECOND READING**

Alderman Friedmann read Bill No. 45 for a second reading.

Brief discussion was had on training and orientation for members of the Board of Adjustment. Attorney Seele explained the intent was to have training for members. Attorney Seele stated she did not feel the ordinance was loosening standards but helping protect the City when there was a need to grant a variance. She explained the changes actually put the City in a better position in reviewing the requests in line with case law. She explained they were waiting to do training until the new standards were in place.

Alderman Lieber made a motion to approve Bill No. 45.

Alderman McMunn seconded the motion.

ROLL CALL VOTE:

Vote: **Failed** (Summary No =5)

Nay: Alderman Daues, Alderman Hof, Alderman Friedmann, Alderman Lieber, Alderman McMunn

Absent: Alderman Fernandez, Alderman Wong, Alderman Epperson

**Bill No. 46- An Ordinance amending various sections of the Unified Development Ordinance of the City of Sunset Hills, Missouri relating to Marijuana land uses in compliance with Amendment 3 to the Missouri Constitution
SECOND READING**

Alderman Daues read Bill No. 46 for a second reading.

Alderman Lieber made a motion to approve Bill No. 46.

Alderman Hof seconded the motion.

ROLL CALL VOTE:

Vote: **Passed** (Summary Yes=5)

Aye: Alderman Lieber, Alderman Friedmann, Alderman Hof, Alderman McMunn, Alderman Daves

Absent: Alderman Fernandez, Alderman Wong, Alderman Epperson

Mayor Fribis declared Bill No. 46 to become Ordinance # 2280.

CITY OFFICIAL AND COMMITTEE REPORTS:

City Clerk/City Administrator, Brittany Gillett stated there would be a second meeting on March 28, 2023 and the April meeting would be April 26th due to the election certifications.

Director of Finance, Susanna Messmer stated nothing to report

Chief of Police, Stephen Dodge stated nothing to report

City Attorney, Erin Seele stated nothing to report.

City Engineer, Bryson Baker stated they would begin the contracted crack sealing on Thursday in Ward 3, staff had meeting with the concrete slab replacement contractor and that work would begin shortly. Mr. Baker stated the exterior security cameras would be installed next week in the PW, City Hall and Community Center buildings.

Director of Parks & Recreation, Gerald Brown stated the Lynstone Park project was currently under MSD review and would hopefully be back in May. Mr. Brown explained the Stieren restroom was still on with St. Louis County after 7 months.

COMMITTEE REPORTS:

Finance Committee - Ms. Messmer stated Alderman Epperson gave a presentation at the last meeting on retirement enhancements for Police Officers and first responders. A motion was passed to bring a pension change to the dispatchers so they have the same program as commissioned officers. She stated they discussed investment opportunities with MOSIP, as well as the recommended budget adjustments on the agenda.

Economic Development Committee – Alderman Hof stated the next meeting is on Monday March 27 at 6:00 pm via Zoom.

Parks & Recreation Commission – Mr. Brown explained there would be a Flea market Saturday at the Community Center, there is a disc golf tournament on March 25 at Watson Trail Park, and an Easter egg hunt on April 8 at Stieren Park.

Police Advisory Board – no report.

Public Works Committee – Alderman Friedmann stated the Eddie and Park sidewalk project was progressing and there were items on the Board of Adjustment agenda on March 23 to advance the project. She explained they discussed several resident complaints in reference to the Tidal Wave business.

NEW BUSINESS:

Bill No. 51- An Ordinance granting a Conditional Use Permit to QPS Missouri Holdings, LLC for a change of use at 10425 Watson Road to authorize a Comprehensive Dispensary Facility, per application P-09-23

FIRST READING

***Petitioner has requested a second reading**

Alderman Hof read Bill No. 51 for a first reading.

Alderman Friedmann made a motion for staff to include the condition that the parking agreement between QPS Holdings LLC and Mr. Probst remain in place and if it is not that the CUP is void.

Alderman Hof seconded the motion and it was unanimously approved.

Bill No. 52- An Ordinance amending Section 8 of the Unified Development Ordinance of the City of Sunset Hills, Missouri relating to Conditional Use Permits

FIRST READING

***Staff has requested a second reading**

Alderman McMunn read Bill No. 52 for a first reading.

Bill No. 53- An Ordinance approving and adopting a budget adjustment to the 2022 budget

FIRST READING

***Staff has requested a second reading**

Alderman Lieber read Bill No. 53 for a first reading.

Bill No. 54- An Ordinance approving and adopting a budget adjustment to the 2023 budget

FIRST READING

***Staff has requested a second reading**

Alderman Friedmann read Bill No. 54 for a first reading.

Bill No. 55 – An Ordinance authorizing Missouri American Water Company to install one (1) new fire hydrant and relocate two (2) fire hydrants for the Bass Pro Shops in the City of Sunset Hills, Missouri

FIRST READING

***Staff has requested a second reading**

Alderman Daues read Bill No. 55 for a first reading.

Bill No. 56- An Ordinance authorizing Missouri American Water Company to install three (3) new fire hydrants for the Sunset Reserve Subdivision in the City of Sunset Hills, Missouri

FIRST READING

***Staff has requested a second reading**

Alderman McMunn read Bill No. 56 for a first reading.

Bill No. 57- An Ordinance authorizing Missouri American Water Company to install one (1) new fire hydrant for the Vistas at Stone Castle in the City of Sunset Hills, Missouri

FIRST READING

***Staff has requested a second reading**

Alderman Lieber read Bill No. 57 for a first reading.

Bill No. 58- An Ordinance amending Section 17-317, Parking of Commercial Vehicles and restrictions thereon, to prohibit Commercial Vehicles from parking on driveways in residential areas if visible from street
FIRST READING

Brief discussion was held on tabling Bill No 58 until the next meeting so the Aldermen who introduced it could be present and answer questions in reference to it.

Alderman Lieber made a motion to table Bill No 58 to the next meeting on March 28th.

Alderman Hof seconded the motion and it was unanimously approved.

Resolution No. 669- A Resolution declaring surplus property and authorizing the sale of such property on Gov.Deals website

Alderman Daues read Resolution No. 669.

Alderman McMunn made a motion to approve Resolution No. 669.

Alderman Lieber seconded the motion and it was unanimously approved.

Resolution No. 670- A Resolution approving a contract with Bazan Painting Company and authorizing the Mayor and City Administrator to execute the same on behalf of the City of Sunset Hills

Alderman Lieber read Resolution No. 670.

Alderman Lieber made a motion to approve Resolution No. 670.

Alderman Hof seconded the motion and it was unanimously approved.

Resolution No. 671- A Resolution approving a contract with Mac McConnell & Associates and authorizing the Mayor and City Administrator to execute the same on behalf of the City of Sunset Hills

Alderman McMunn read Resolution No. 671.

Alderman McMunn made a motion to approve Resolution No. 671.

Alderman Lieber seconded the motion and it was unanimously approved.

Resolution No. 672- A Resolution approving a contract for Hutchison Recreation & Design authorizing the Mayor and City Administrator to execute the same on behalf of the City of Sunset Hills

Alderman Friedmann read Resolution No. 672.

Alderman Lieber made a motion to approve Resolution No. 672.

Alderman Hof seconded the motion and it was unanimously approved.

APPOINTMENTS:

None

RE- APPOINTMENTS:

- a) Todd Powers: Planning and Zoning Commission term to expire 02/01/2027
- b) Michael Hopfinger: Planning and Zoning Commission term to expire 02/01/2027
- c) Roger Kaiser- Planning and Zoning Commission term to expire 04/23/2027

Alderman McMunn made a motion to approve the re-appointments as listed. Alderman Daues seconded the motion. There were 3 aye votes and two nay votes.

Aye: Alderman McMunn, Alderman Daues, Alderman Hof
Nay: Alderman Friedmann, Alderman Lieber

Discussion was had on whether or not the motion could pass with a split vote. The decision was made to hold the Appointments over to the next Board meeting.

GENERAL DISCUSSION:

a) Street damage escrow

Mr. Baker explained they were looking for a way to protect the city. Lengthy discussion was held on changing requirements for contractors to repair the streets they damaged.

Attorney Seele explained there would need to be an estimate based on the scope of the project to determine an escrow amount that would cover any damages.

Additional discussion was held on street damage and the ability to protect the City on public streets as well as the residents on private streets.

Ms. Gillett stated staff could bring something back for a first reading with Board direction. Alderman Daues confirmed that was what he would like to see.

Discussion was had on the City Communications Audit that was rejected previously. Alderman Hof stated she felt that was something the City needed to readdress.

Alderman Daues suggested using the community bulletin boards and newsletter to post information for residents. Alderman Hof stated she felt that was a good idea but only addressed a small portion of residents and felt the need for additional information on how best to reach and serve the residents.

Alderman Hof made a motion to go out for bid for a communications plan with specific items being addressed.

Alderman Lieber stated she felt a part time person for social media platforms would be a possibility for reaching more residents.

Ms. Gillett explained the previous communications package had a comprehensive list of all services available for information purposes and that the bid package was for specific items. Ms. Gillett stated she would send the previous bid package for review and then staff could bring back the specifics the Board would like to see.

Alderman McMunn asked about doing a survey in the newsletter. Ms. Gillett stated they could do that, however that would only reach the residents who are currently accessing the information. She stated she and Nate could work on a general survey and could discuss once the Board has reviewed the information.

Discussion was had on issues with the Tidal Wave Wash Center being in compliance with the ordinance approved for their development. Alderman Friedmann stated they had still not completed the turn lane per the approved agreement and they were no longer responding to the City.

Alderman Friedmann made a motion to direct staff to draft an ordinance that would permit the Board of Aldermen to deny, revoke or fail to renew a liquor license for any person or entity that is not in full compliance with the conditions of the ordinance authorizing their development.

Alderman Lieber seconded the motion.

Alderman Lieber stated she would also like an ordinance to address businesses with no liquor license that were not in compliance. She stated she would like to be able to impose a fine.

Discussion was had on daily fining of businesses not in compliance.

Attorney Seele stated there were several options available to the City to be discussed in closed session.

Alderman Friedmann's motion was unanimously approved.

Alderman Friedmann discussed Fourth of July firework concerns for the upcoming 2023 holiday. Chief Dodge stated they could make it known that the enforcement would be up in July, and also explained it was difficult to catch people setting off fireworks because the calls are made once they had already been fired.

REQUEST TO MEET IN CLOSED SESSION PURSUANT TO 610.21 (1) RSMo TO DISCUSS LEGAL MATTERS:

No closed session.

ADJOURNMENT:

Alderman Hof made a motion to adjourn the meeting. Alderman McMunn seconded the motion and it was unanimously approved.

Meeting adjourned at 8:10 p.m.

Deputy City Clerk
Lori Stone