

MINUTES OF THE REGULAR MEETING
OF THE BOARD OF ALDERMEN
OF THE CITY OF SUNSET HILLS MISSOURI
HELD ON MAY 9, 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 May 9, 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
Brian Fernandez	-Alderman Ward I
Casey Wong	-Alderman Ward II
Marie Davis	-Alderman Ward II
Cathy Friedmann	-Alderman Ward III
Randal Epperson	-Alderman Ward III
Lindsay Hof	-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: Fred Daues -Alderman Ward IV

APPROVAL OF THE AGENDA:

Alderman McMunn made a motion to approve the agenda with postponement of Bills 9 and 10. Alderman Hof seconded the motion and it was unanimously approved.

APPROVAL OF MINUTES:

Alderman McMunn made a motion to approve the minutes as read for the April 25, 2023 regular and closed session meetings. Alderman Hof seconded the motion and it was unanimously approved.

EMPLOYEE SERVICE AWARDS:

Ms. Gillett thanked Ms. Messmer and congratulated her on her 5 years of service.

CONSENT AGENDA:

- a) Bills to be approved.
- b) Special event request by Faith Church for annual fireworks display on July 4, 2023

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

PUBLIC HEARING:

The Board will consider a petition for a Conditional Use Permit, submitted by Collective Solutions, for the construction of a Telecommunications Facility at 109 Deane Court.

Mr. Russell Been with Collective Solutions spoke on behalf of Ameren UE for a new LTE telecommunications facility next to the existing Ameren substation. He explained the tower was 109' tall as compared to most other towers at 199'

He explained this would be a private network for Ameren so they would have priority service when an issue arose. Lengthy discussion was had on scenarios with the tower failing and how the tower was designed to fall within the Ameren property lines so it would not be an issue to commercial and residential neighbors.

The Board will consider a petition for a Conditional Use Permit, submitted by BMGR SSHD, LLC, for the construction of a (second) hotel at 3660 South Lindbergh Boulevard.

This item was postponed by the petitioner and will go to the June meeting.

The Board will consider a petition for a Development Plan, submitted by BMGR SSHD, LLC, for the construction of a (second) hotel at 3660 South Lindbergh Boulevard

This item was postponed by the petitioner and will go to the June meeting.

PUBLIC COMMENT:

No comments were submitted.

Old Business:

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

SECOND READING

Alderman Epperson read Bill No. 58 for a second reading.

Alderman Epperson stated he would like to see the language changed in reference to tool boxes. Discussion ensued on what vehicles the ordinance affected. Alderman Epperson asked for standard saddle tool boxes to be exempt.

Alderman Epperson made a motion to approve Bill No. 58 with the amended language on toolboxes. Alderman Fernandez seconded the motion.

ROLL CALL VOTE:

Vote: Failed (Summary Yes=3, No =4)

Aye: Alderman Fernandez, Alderman Epperson, Alderman Hof

Nay: Alderman McMunn, Alderman Wong, Alderman Davis, Alderman Friedmann

Absent: Alderman Daues

Bill No. 2- An Ordinance amending Chapter 7, Building and Building Regulations, to enact a new division, Construction Traffic Deposit Fee for streets

SECOND READING

Alderman Davis read Bill No. 02 for a second reading.

Mr. Baker explained the deposit was needed to help repair streets damaged by contractor's heavy equipment.

Alderman McMunn made a motion to approve Bill No. 02.

Alderman Hof seconded the motion.

ROLL CALL VOTE:

Vote: Passed (Summary Yes=7)

Alderman McMunn, Alderman Fernandez, Alderman Wong, Alderman Davis, Alderman Friedmann, Alderman Epperson, Alderman Hof,

Absent: Alderman Daues

Mayor Fribis declared Bill No. 02 to become Ordinance # 2292.

Bill No. 3- An Ordinance authorizing the City to enter into a real estate purchase and sale agreement to sell 118 Monica Drive and granting further authority

SECOND READING

Alderman Fernandez read Bill No. 03 for a second reading.

Alderman McMunn made a motion to approve Bill No. 03.

Alderman Hof seconded the motion.

ROLL CALL VOTE:

Vote: Passed/Failed (Summary Yes=7)

Alderman McMunn, Alderman Fernandez, Alderman Wong, Alderman Davis, Alderman Friedmann, Alderman Epperson, Alderman Hof

Absent: Alderman Daues

Mayor Fribis declared Bill No. 03 to become Ordinance # 2293.

Bill NO. 5- An Ordinance amending Appendix D- Sign Regulations relating to preservation of Historic Route 66 neon signs

SECOND READING

Alderman McMunn read Bill No. 05 for a second reading.

Alderman McMunn made a motion to approve Bill No. 05.

Heated discussion ensued on potential signs.

Alderman Wong seconded the motion.

ROLL CALL VOTE:

Vote: Passed (Summary Yes=5, No =2)

Alderman McMunn, Alderman Fernandez, Alderman Wong, Alderman Davis, Alderman Friedmann, Alderman Epperson, Alderman Hof

Absent: Alderman Daues

Discussion ensued on whether Alderman Davis could vote since she was a member of the Route 66 organization. Attorney Seele stated there is only a conflict of interest when there is financial gain involved. She stated Alderman Davis could vote.

Mayor Fribis declared Bill No. 05 to become Ordinance # 2294.

**Bill No. 6- An Ordinance amending Section 4.1 of the Unified Development Ordinance of the City of Sunset Hills, Missouri, relating to surfacing and drainage of parking areas
SECOND READING**

Alderman Hof read Bill No. 06 for a second reading.
Alderman McMunn made a motion to approve Bill No. 06.

Alderman Friedmann stated she would like to amend the ordinance to include the POS and NU zoning designations since they correlated with the Light Industrial.

Alderman McMunn withdrew her original motion.

Alderman McMunn made a motion to approve Bill No. 6 with the addition of POS and NU zoning designations.

Mr. Baker explained that any new development with existing gravel lots would have to pave the lots in order to be in compliance. He explained the proposed ordinance would allow existing businesses to keep their gravel lots.

Discussion ensued on how the amendment affected existing businesses.

Alderman Davis seconded the motion to approve Bill No. 06 as amended with POS and NU zoning.

Alderman Epperson stated he would rather table the item until a modification could be brought.

Alderman McMunn withdrew her motion to approve Bill No. 6 with the amendment.

Alderman McMunn asked if she could make a motion to table the item.

Additional discussion was had on tabling the item.

Mr. Tom Batsch of 12852 Maurer Ind. Dr. addressed the Board on the need to have the gravel lots for the heavy construction equipment uses and flooding.

Additional heated discussion ensued on whether the front of properties should be paved.

Alderman Davis withdrew her second.

Alderman Friedmann made a motion to amend Bill No. 6 to include NU and POS zoning districts.

Alderman Wong seconded the motion.

ROLL CALL VOTE:

Vote: Passed (Summary Yes=6, No =1)

Alderman McMunn, Alderman Fernandez, Alderman Wong, Alderman Davis, Alderman Friedmann, Alderman Hof,
Nay: Alderman Epperson
Absent: Alderman Daues

Mayor Fribis declared Bill No. 06 to become Ordinance # 2295.

CITY OFFICIAL AND COMMITTEE REPORTS:

City Clerk/City Administrator, Brittany Gillett commended the PD for their handling of the Bass Pro grand opening and thanked the assisting agencies involved.

Director of Finance, Susanna Messmer stated the audit was completed and they would be presenting their financial reports to the committee at the 5/22/23 Finance meeting.

Chief of Police, Stephen Dodge stated they attended the annual Prayer Breakfast for fallen officers.

City Attorney, Erin Seele stated nothing to report.

City Engineer, Bryson Baker stated staff had been working on concrete slab removal and thanked Ms. Messmer for the ease of the audit.

Director of Parks & Recreation, Gerald Brown stated St. Louis County finally issued the Stieren bathroom permit after a year of waiting.

COMMITTEE REPORTS:

Finance Committee -Alderman Fernandez congratulated Ms. Messmer on her service award and thanked her for her organization.

Economic Development Committee – Alderman Hof stated nothing to report.

Parks & Recreation Commission – Alderman Wong stated Machine Madness would be on 5/10/23 and the Fishing Derby was on 5/17/23.

Police Advisory Board – Alderman Epperson stated the next meeting was scheduled for 5/24/23.

Public Works Committee – Alderman Friedmann stated nothing to report.

NEW BUSINESS:

**Bill No. 7- An Ordinance adding Public Safety Department under the Missouri Local Government Employees Retirement System
FIRST READING**

Alderman Wong read Bill No. 07 for a first reading.

**Bill No. 8- An Ordinance granting a Conditional Use Permit to Collective Solutions, LLC for a new Wireless Telecommunications Facility at 109 Deane Court, Per application P-13-23
FIRST READING**

Alderman Epperson read Bill No. 08 for a first reading.

There was brief discussion of where an example of this type of pole was located. Mr. Been stated there was a similar tower at Vianney.

**Bill No. 9- An Ordinance granting a Conditional Use Permit to BMGR SSHD LLC for construction of a second hotel building at 3660 South Lindbergh Boulevard, per application P-14-23
FIRST READING**

Item was postponed by petitioner.

**Bill No. 10- An Ordinance granting a Development Plan for construction of a second hotel at 3660 South Lindbergh Boulevard
FIRST READING**

Item was postponed by petitioner.

**Bill No. 11- An Ordinance authorizing the City to enter into a Real Estate Purchase and Sale Agreement to purchase property adjacent to/near Lynnstone Park and granting further authority
FIRST READING**

Alderman Davis read Bill No. 11 for a first reading.

Alderman Epperson made a motion to suspend the rules and read Bill No. 11 for a second reading.
Alderman McMunn seconded the motion.

ROLL CALL VOTE:

Vote: Passed (Summary Yes=7)

Alderman Hof, Alderman Epperson, Alderman Friedmann, Alderman Davis, Alderman Wong, Alderman Fernandez, Alderman McMunn
Absent: Alderman Daues

Alderman Davis read Bill No. 11 for a second reading.
Alderman McMunn made a motion to approve Bill No. 11.
Alderman Epperson seconded the motion.

ROLL CALL VOTE:

Vote: Passed/Failed (Summary Yes=7)

Alderman Davis, Alderman Wong, Alderman Fernandez, Alderman McMunn, Alderman Friedmann, Alderman Epperson, Alderman Hof
Absent: Alderman Daues

Mayor Fribis declared Bill No. 11 to become Ordinance # 2296.

Resolution No. 679- A Resolution approving a contract for Leritz Contracting Incorporated and authorizing the Mayor and City Administrator to execute the same on behalf of the City of Sunset Hills

Alderman Fernandez read Resolution No. 679.

Brief discussion was held on whether paving the lot would cause more issues when flooding occurred. Mr. Brown explained they had spoken with the Department of Natural Resources and they gave their approval as long as the lot was not enlarged.

Alderman Epperson made a motion to approve Resolution No. 679.
Alderman Hof seconded the motion and it was unanimously approved.

APPOINTMENTS:

None.

RE- APPOINTMENTS:

None.

GENERAL DISCUSSION:

a) Traffic Study amendments

Mr. Baker stated staff had been looking into the level of service requirements and found that Sunset Hills was the only one in the St. Louis area that used level of service as criteria for passage of a traffic study.

He explained most other Municipalities used the traffic study as a guide. He stated they used the results as another tool to make a decision on whether or not to approve or deny a development. He further explained that with the City's code the issue was black or white. If level of service was not a D or better or couldn't become a D or better, that was reason for denial. He stated they've looked at ways to remove the level of service D criteria and had come up with a second option for the Board to consider.

Ms. Gillett explained they had come up with a second option which would allow a 20% grace from the existing level of service requirement.

Mayor Fribis asked if they would also be speaking with other cities. Ms. Gillett explained that they already had, and found that Sunset Hills was the only City who used level of service in this way.

Lengthy discussion ensued on making possible exceptions during the plan approval process and potentially moving the traffic study requirement into the development Plan process. This would enable the Board to make decisions on exceptions rather than the Board of Adjustment. Several members of the Board stated they felt they wanted an objective standard in place rather than leaving it up to subjective opinions by the Board of Aldermen.

Alderman Epperson made a motion to draft legislation adopting the 20% grace to the level of service requirement excluding residential.

Alderman McMunn seconded the motion and it was unanimously approved.

b) Creation of an Advisory Historical Preservation Commission

Mayor Fribis read the information on establishing the committee and asked if anyone was interested in it. Several Alderman said they were interested but wanted to discuss the reach of the committee. Mayor Fribis explained they would be an advisory committee that would bring suggestions to the Board of Alderman.

Mayor Fribis stated they would look into how other cities handled this type of committee and they would bring it back to the Board.

Alderman Wong briefly discussed the language he proposed for updating the ethics ordinance and that he would like to discuss it at the next meeting.

Alderman Epperson brought up using some of the granite the City had for a Veterans memorial.

Mayor Fribis stated she felt it was a great idea and possibly would involve the Rotary and Kiwanis.

REQUEST TO MEET IN CLOSED SESSION PURSUANT TO 610.21 (1), (3) and (12) RSMo TO DISCUSS LEGAL, PERSONNEL AND CONTRACT MATTERS:

Alderman Hof made the motion to go into closed session. Alderman McMunn seconded the motion.

ROLL CALL VOTE:

Vote: Passed (Summary Yes=7)

Alderman McMunn, Alderman Fernandez, Alderman Wong, Alderman Davis, Alderman Friedmann, Alderman Epperson, Alderman Hof

Absent: Alderman Daues

The Board went into closed session at 8:02 p.m.

The Board reconvened in open session at 10:08 p.m.

ADJOURNMENT:

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

Meeting adjourned at 10:08 p.m.

Deputy City Clerk
Lori Stone