

THE MINUTES WERE AMENDED AS FOLLOWS:

The second page was amended,, under the request from Casa dia Montessori to add that any leftover items from the rummage sale will be donated to the Goodwill store next door to the school.

The following sentence was added to Page 7, right before Bill # 7: “Mr. Jim Lahay of Stifel Nicolaus stated that if the City wants to pay down the debt service for the COP’s, they may do so only once in the first ten years of the debt.”

MINUTES OF THE REGULAR MEETING
OF THE BOARD OF ALDERMEN
OF THE CITY OF SUNSET HILLS, MISSOURI
HELD ON TUESDAY, AUGUST 11, 2009

BE IT REMEMBERED that the Board of Aldermen of the City of Sunset Hills, Missouri met in regular session at City Hall Quarters, 3939 S. Lindbergh Blvd., in said City on Tuesday, August 11, 2009. 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:	R. Michael Svoboda	-Mayor
	Frank Hardy	-Alderman – WARD I
	William Nolan, Jr.	-Alderman – WARD I
	Scott Haggerty	-Alderman – WARD II
	Thomas Hrastich	-Alderman – WARD II
	Jan Hoffmann	-Alderman – WARD III
	Frank Gregory	-Alderman – WARD IV
	Patricia Fribis	- Alderman – WARD IV
	Laura A. Rider	-City Clerk
	William LaGrand	-Chief of Police
	Anne C. Lamitola	-City Engineer
	Ted Schuessler	-City Collector
	Robert C. Jones	-City Attorney
	Gerald Brown	-Director of Parks and Recreation
Absent:	Stephen Webb	-Alderman – WARD III

APPROVAL OF THE MINUTES

Copies of the Minutes of the July 14, 2009 Board of Aldermen meeting were distributed to the members for their review. Alderman Hoffmann amended the second paragraph under Resolution #313 and Resolution #314 in New Business on Page 6 to read: “Alderman Hoffmann stated she supports Resolution #313 due to the fact that costs are not known until bids have been received.”

Copies of the Minutes of the July 15, 2009 Board of Aldermen meeting were distributed to the members for their review. Alderman Hardy added the following paragraph to page 2 prior to the vote on Resolution #313: "Alderman Hardy asked where additional funds would come if Proposition P was not sufficient for the debt payment. Alderman Hrastich replied that the additional funds would come from the General Revenue, which would be above the amount to be kept in the reserves per the Cash Flow policy."

Alderman Hardy made a motion to approve the Minutes of the July 14, 2009 and July 15, 2009 meetings as amended. Alderman Hrastich seconded the motion, and it was unanimously approved.

REQUESTS FOR BUSINESS LICENSE:

A) SSM Medical Group, 10777 Sunset Office Dr., Suites 210 & 310

Ms. Kathy Lubber, representative, was present and stated the business will occupy two suites.

Alderman Hardy made a motion to approve the above request for business license. Alderman Fribis seconded the motion, and it was unanimously approved.

B) HCM Systems, Inc., 3802 S. Lindbergh Blvd., Suite 111

Mr. Larry McNamara, representative, was present.

Alderman Hardy made a motion to approve the above request for business license. Alderman Hrastich seconded the motion, and it was unanimously approved.

REQUESTS TO BE HEARD

A) Request from Casa dia Montessori to have a rummage sale/open house in their building and on the parking lot.

Mr. Richard Deeba, representative, was present and stated that the rummage sale will consist of mostly children's items. The event will take place on September 12, 2009 from 8:00 a.m. to 12:00 p.m.

Alderman Hardy made a motion to approve the above request. Alderman Nolan seconded the motion, and it was unanimously approved.

B) Request from Lindbergh Lacrosse Club for permission to place temporary signs advertising the Craft show at Sperreng Middle School.

A representative was not present. It was determined to wait until later in the meeting to see if a representative was present.

This item was re-addressed just prior to adjournment of the meeting.

C) Request from Muscular Dystrophy Association to serve alcohol at their fundraising event.

Mr. Scott Mercer was present and the request is to serve beer at a Fuzz Bull tournament that will take place on Saturday, September 26, 2009 from 9:00 a.m. until approximately 8:00 p.m. at the Athletic Complex located at 13555 W. Watson Road. He stated he will provide an insurance certificate to the City.

Alderman Haggerty made a motion to approve the above request. Alderman Fribis seconded the motion, and it was unanimously approved.

- D)** Request from Valvoline Instant Oil Change to hold a "Customer Appreciation Day" with an outdoor tent for food and drinks.

Ms. Kathy Beers was present and stated that due to the decrease in business, Valvoline has been holding Customer Appreciation Days to increase business. They would like to hold an event at the Sunset Hills location on Wednesday, September 30, 2009. There would be a 14' X 3' banner and a local radio station would be present; however, the music would be set up in front of the building close to the road and away from the residential neighbors. There would also be a covered area to give away prizes.

Alderman Nolan made a motion to approve the above request. Alderman Hoffmann seconded the motion, and it was unanimously approved.

- E)** Request from Growlers Sunset Inn for a one day extension of premise to their liquor license.

Mr. Pepe Vantreece, Operations Manager, was present and stated the event, Oktoberfest, will be held on Saturday, September 26, 2008 from 12:00 p.m. to 5:00 p.m. with setup beginning around 7:00 a.m. The break down will begin immediately after closing. Mr. Vantreece stated there would be four parking spaces consumed and the event will be as has been previously held.

Alderman Gregory made a motion to approve the above request. Alderman Hoffmann seconded the motion, and it was unanimously approved.

PUBLIC HEARING: Conditional Use Permit submitted by Civil Engineering Design Consultants (CEDC) to allow a restaurant use, including outdoor seating for the property known as 1500 S. Kirkwood Road.

Mr. Brandon Harp, Principal of Civil Engineering Design Consultants, was present and stated the request is to allow a restaurant use, including outdoor seating for Five Guys and Fries. The Planning and Zoning Commission recommended approval at their July meeting. There would be access from Deane Court and Monica Drive; there would not be access directly from S. Kirkwood Rd. He added that there will not be beer, wine or alcohol served.

Mr. Harp explained the previously approved plan included a 9,600 square feet building with a curb cut on Monica Drive and curb cut to Deane Court with 52 parking spaces; there was 7,700 square feet of retail space. The building will now be approximately 7,187 square feet including 2,400 square feet restaurant space on the northern portion of the building. The restaurant will have 99 seats, including 24 outdoor, uncovered seats. The retail space will accommodate three businesses. There have been five parking spaces added to meet the parking requirements.

Mrs. Lamitola explained that the parking requirements for a restaurant is one parking space per three seats, it is not based on square footage.

Mrs. Lamitola explained that all restaurants require a Conditional Use Permit and the use is not a motor vehicle oriented business, per the code.

Mr. Harp stated the residential property owner behind the Ameren UE substation does not want fencing or landscaping between his property and the substation.

Mr. John Telker, resident of Deane Court directly behind the substation, was present and stated that he prefers to have a visual of the property of the substation and prefers not have a fence or landscaping between the properties and to leave the properties the way they currently exist. He suggested the "No truck" sign on Deane Court be relocated closer to S. Kirkwood Rd. to warn trucks earlier of the traffic restriction. Mrs. Lamitola stated that she will look into the possibility of relocating the sign.

Mr. Telker asked if a sign could be installed limiting parking on Deane Court to residents only. Mrs. Lamitola stated that she does not think the parking can be restricted to residents but will look into this matter.

Mayor Svoboda declared the public hearing closed.

PUBLIC HEARING: Proposed property tax rates for 2009 to be set by the City of Sunset Hills.

Mrs. Rider explained the tax rates will be the same as last year.

Mayor Svoboda declared the public hearing closed.

OLD BUSINESS

None

CITY OFFICIAL AND COMMITTEE REPORTS

- (A) TREASURER/COLLECTOR – Mr. Schuessler presented these reports.
- (B) CITY CLERK – Mrs. Rider explained that the available balance of Proposition P funds is currently \$759,000; these funds are being held by the City in a designated account. After closing on the Certificates of Participation, the funds may be retained or they may be transferred to UMB to a project fund. A decision will be needed this evening on whether to retain or transfer the funds.
- (C) CHIEF OF POLICE – Chief LaGrand had nothing to report.
- (D) CITY ATTORNEY – Mr. Jones had nothing to report.
- (E) CITY ENGINEER – Mrs. Lamitola reported the contractor has substantially completed this year's concrete slab replacement project; this year's micro-surfacing project has also been substantially completed. Work on the Baalbek culvert will start again tomorrow. The contractor is tentatively scheduled to begin work October 1, 2009 on replacement of the W. Watson Road bridge and the Old Gravois Rd. project is under contract. The Street Department has replaced over 50 concrete slabs this summer.

Mrs. Lamitola explained that Reclamite is a material that is a rejuvenator that extends pavement life and is best used on recently installed pavement over the last few years. She would like to utilize Reclamite on Hilltop Drive, Rayburn and Weber Hill Road which will cost \$24,063.23. She explained that a budget amendment is not necessary as there are funds in the budget for this expenditure. She also explained that there is only one company that provides Reclamite; therefore bids are not necessary. There were tests of Reclamite on a portion of a couple streets last year.

Alderman Nolan made a motion to approve the expenditure of \$24,062.23 for Reclamite. Alderman Hrastich seconded the motion, and it was unanimously approved.

- (F) PARKS DIRECTOR – Mr. Brown reported that an informal project update for the aquatic center and community center will be held on Tuesday, August 25, 2009 at 7:00 p.m. Bid documents for the projects will be available on September 16th and bids are due October 6th with awarding of the contract anticipated to be October 13th.

Mr. Brown requested a budget amendment for \$142,019 to account no. 0180005063 Engineering/Surveying for services received from Hastings & Chivetta for design of the community center and aquatic facility. This request covers all expenses occurred to date; the expense will be reimbursed from the Certificates of Participation and all remaining invoices will go to the Certificates of Participation. He explained that the amount is for a total inclusion.

Alderman Hrastich made a motion to approve the requested budget amendment. Alderman Nolan seconded the motion, and it was unanimously approved.

Alderman Hardy inquired of a Trail Committee referred to in Mr. Brown's written report. Mr. Brown stated that there were open public forums held last year and this year's budget includes funds for trail consulting. The Trail Committee consists of three members from the Parks and Recreation Commission which will conduct interviews for a consultant tomorrow evening.

(G) COMMITTEE REPORTS

FINANCE – Alderman Hrastich reported that he feels the sales tax revenue is not too bad at this point.

PARKS AND RECREATION – Alderman Hoffmann had nothing to report.

PUBLIC WORKS – Alderman Gregory had nothing to report.

REQUESTS TO BE HEARD (NON-AGENDA)

Mr. Clifford Underwood, resident of Hazelridge Dr., was present and expressed his appreciation of the work that has been completed on streets in the area in which he resides. The street seems to be much easier on his feet when he goes for walks. He feels there is a vast improvement in the streets.

Mr. Underwood also complimented the Park Department for their work on the Claire Gempp Davidson Memorial Conservation Area. He feels the property is what Mrs. Gempp envisioned when she left the property to be utilized as a conservation area.

NEW BUSINESS

- Bill #6** 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 acquiring and constructing certain parks and recreational facilities and storm water improvements and costs related thereto; and authorizing the execution of certain documents and actions in connection therewith. FIRST READING

Alderman Hoffmann read Bill #6 by title only.

Alderman Hrastich made a motion to suspend the rules and read Bill #6 for a second time. Alderman Hoffmann seconded the motion, and the members voted:

Alderman Nolan	AYE
Alderman Webb	AYE
Alderman Hardy	NAY
Alderman Haggerty	AYE
Alderman Fribis	AYE
Alderman Hrastich	AYE
Alderman Hoffmann	AYE
Alderman Gregory	AYE

There being 6 AYE votes and 1 NAY vote, the motion passed.

Alderman Hardy stated he just received the exhibits to the Bill yesterday and has not had time to read all of them as they are quite lengthy. He added that he does not feel he knows enough to make an informed decision or to ask questions. Therefore, he feels more time is needed before the Board votes on Bill #6 as there is a significant amount of money involved.

Alderman Hardy made a motion to table Bill #6 until the September meeting of the Board of Aldermen. The motion failed due to the lack of a second.

Alderman Gregory stated he feels the information that was provided to the Board of Aldermen was basic terms and pertinent facts; however, the other exhibits are typically boilerplate language. He then requested Mr. Bob Ballsrud to address Alderman Hardy's concerns.

Mr. Bob Ballsrud of Gilmore & Bell, was present and explained there will be a long-term lease of the park property from the city to UMB Bank as the trustee on behalf of the bondholders. UMB Bank will lease the property back to the city on a year to year basis. He added that this is done according to Missouri Law as the City cannot enter into a long-term obligation without approval from the voters. Therefore, for state law purposes, the lease is a one year obligation of the city which is subject to approval each year during consideration of the budget. After the Certificates of Participations retire, the lease will end. Should the City decide not to appropriate funds in the budget for debt service payment, UMB Bank, as trustee on behalf of the certificate holders, would have the right to take the property away from the City for the remainder of the term of lease; use would be taken away from the City for a period of time. This would provide incentive each year for the City to appropriate funds in the Budget for debt service payment. He clarified that the entire Watson Trail Park would be leased.

Mr. Ballsrud stated there are hundreds of leases like this done each year in Missouri which are basically structured the same such as Kirkwood Public Library and The Edwards Jones Dome in St. Louis City. He added that the voters approved the sales tax for the purpose of making park improvements.

Alderman Hardy stated he wants all three projects to move forward; however he wants to understand before making a commitment.

Alderman Gregory stated that at the July 15th Board of Aldermen meeting there was considerable amount of time with discussions regarding how much money to seek. At that meeting, by majority vote, the Board of Aldermen voted to move forward with seeking \$14.5 million. Alderman Gregory stated that to not support this would jeopardize the City's reputation and the ability in the future to secure financing. He feels it is clear, regardless of differences in opinions, that the Board should move forward and to be supportive of the decision.

Alderman Hoffmann read Bill #6 by title only. **SECOND READING**

Alderman Hrastich made a motion to approve Bill #6. Alderman Hoffmann seconded the motion, and the members voted:

Alderman Hoffmann	AYE
Alderman Gregory	AYE
Alderman Nolan	NAY
Alderman Hrastich	AYE
Alderman Hardy	stated that based on his previous comments, he ABSTAINED
Alderman Haggerty	AYE
Alderman Fribis	AYE

Mr. Jones stated that Alderman Hardy's vote is counted as a NAY vote as an Alderman cannot abstain unless he or she is disqualified from voting.

There being 5 AYE votes and 2 NAY votes, the motion passed.

Mayor Svoboda declared Bill #6 adopted and placed in the custody of the City Clerk and entered as Ordinance #1752 of the City of Sunset Hills.

Mr. Ballsrud explained that to date, there have been approximately \$759,000 in collections in the Proposition P fund. The Board can opt to deposit the funds with UMB Bank or to keep the funds in the City account. The City would have more options on how the money can be used while the money is held in an account with the City. If the money is deposited with UMB Bank, that money can only be used for the three approved projects and if there are surplus funds after the projects have been completed, the money would be transferred to the debt service fund on the Certificates of Participation.

Alderman Gregory asked if the City would have more flexibility by not depositing the funds with UMB Bank. Mr. Ballsrud replied yes.

Alderman Hrastich stated his preference to keep the funds and not deposit with UMB Bank.

It was determined to keep the funds and not deposit the funds with UMB Bank.

Bill #7 An ordinance approving a settlement agreement with AT&T/SBC Landline.
FIRST READING

Alderman Hrastich read Bill #7 by title only.

Alderman Hrastich made a motion to suspend the rules and read Bill #7 for a second time. Alderman Gregory seconded the motion, and the members voted:

Alderman Nolan	AYE
Alderman Hrastich	AYE
Alderman Fribis	AYE
Alderman Haggerty	AYE
Alderman Hoffmann	AYE
Alderman Gregory	AYE
Alderman Hardy	AYE

There being 7 AYE votes and 0 NAY votes, the motion passed.

Alderman Hrastich read Bill #7 by title only. SECOND READING.

Alderman Hrastich made a motion to approve Bill #7. Alderman Haggerty seconded the motion, and the members voted:

Alderman Fribis	AYE
Alderman Hardy	AYE

Alderman Gregory AYE
Alderman Haggerty AYE
Alderman Hrastich AYE
Alderman Nolan AYE
Alderman Hoffmann AYE

There being 7 AYE votes and 0 NAY votes, the motion passed.

Mayor Svoboda declared Bill #7 adopted and placed in the custody of the City Clerk and entered as Ordinance #1753 of the City of Sunset Hills.

Bill #8 An ordinance establishing the annual rate of tax levy for the year of 2009, on all property within the City of Sunset Hills, Missouri. FIRST READING

Alderman Haggerty read Bill #8 by title only.

Alderman Haggerty made a motion to suspend the rules and read Bill #8 for a second time. Alderman Hrastich seconded the motion, and the members voted:

Alderman Gregory AYE
Alderman Hoffmann AYE
Alderman Nolan AYE
Alderman Fribis AYE
Alderman Hardy AYE
Alderman Haggerty AYE
Alderman Hrastich AYE

There being 7 AYE votes and 0 NAY votes, the motion passed.

Alderman Haggerty read Bill #8 by title only. SECOND READING.

Alderman Nolan made a motion to approve Bill #8. Alderman Hrastich seconded the motion, and the members voted:

Alderman Haggerty AYE
Alderman Hardy AYE
Alderman Hrastich AYE
Alderman Nolan AYE
Alderman Hoffmann AYE
Alderman Gregory AYE
Alderman Fribis AYE

There being 7 AYE votes and 0 NAY votes, the motion passed.

Mayor Svoboda declared Bill #8 adopted and placed in the custody of the City Clerk and entered as Ordinance #1754 of the City of Sunset Hills.

Bill #9 An ordinance establishing a procedure to disclose potential conflicts of interest and substantial interests for certain officials. FIRST READING

Alderman Hardy read Bill #9 by title only.

Alderman Hardy made a motion to suspend the rules and read Bill #9 for a second time. Alderman Nolan seconded the motion, and the members voted:

Alderman Fribis AYE
Alderman Nolan AYE
Alderman Hardy AYE
Alderman Haggerty AYE
Alderman Hrastich AYE
Alderman Hoffmann AYE
Alderman Gregory AYE

There being 7 AYE votes and 0 NAY votes, the motion passed.

Alderman Hardy read Bill #9 by title only. SECOND READING.

Alderman Hrastich made a motion to approve Bill #9. Alderman Nolan seconded the motion, and the members voted:

Alderman Hoffmann AYE
Alderman Fribis AYE
Alderman Hardy AYE
Alderman Haggerty AYE
Alderman Gregory AYE
Alderman Hrastich AYE
Alderman Nolan AYE

There being 7 AYE votes and 0 NAY votes, the motion passed.

Mayor Svoboda declared Bill #9 adopted and placed in the custody of the City Clerk and entered as Ordinance #1755 of the City of Sunset Hills.

The Findings of Fact and Conclusions of Law for a Conditional Use Permit to operate a restaurant with outdoor seating at 1500 S. Kirkwood Road.

Alderman Hardy asked if the Findings of Fact and Conclusions of Law should address the property line between the Ameren UE substation and the residential property owner. Mrs. Lamitola stated that if the Conditional Use Permit is approved, the site proof fence will be around the perimeter of the property not at the Ameren UE substation. Mr. Jones stated that the Ameren UE substation property is not included in the Conditional Use Permit.

Alderman Nolan read the above Findings of Fact and Conclusions of Law.

Alderman Hardy made a motion to approve the Findings of Fact and Conclusions of Law for a Conditional Use Permit to operate a restaurant with outdoor seating at 1500 S. Kirkwood Road. Alderman Fribis seconded the motion, and the members voted:

Alderman Haggerty AYE
Alderman Gregory AYE
Alderman Nolan AYE
Alderman Hoffmann AYE
Alderman Hardy AYE
Alderman Hrastich AYE
Alderman Fribis AYE

There being 7 AYE votes and 0 NAY votes, the motion passed.

INVOICES TO BE APPROVED

Alderman Hrastich made a motion to approve payment of the invoices. Alderman Gregory seconded the motion, and it was unanimously approved.

A MOTION TO HOLD A CLOSED MEETING

Alderman Fribis made a motion to hold a closed meeting with closed votes and records immediately after adjournment of this meeting. Alderman Gregory seconded the motion, and the members voted:

Alderman Nolan	AYE
Alderman Hardy	AYE
Alderman Fribis	AYE
Alderman Hrastich	AYE
Alderman Hoffmann	AYE
Alderman Gregory	AYE
Alderman Haggerty	AYE

There being 7 AYE votes and 0 NAY votes, the motion passed.

APPOINTMENTS

- a) Stephen Webb, Chairman of Business Development
- b) Don Darr, Member of Business Development

Alderman Gregory made a motion to approve the above appointments. Alderman Haggerty seconded the motion, and it was unanimously approved.

Reappointments

- a) Judge Laird Hetlage for a two year term.

Alderman Hoffmann made a motion to approve the above reappointment. Alderman Fribis seconded the motion, and it was unanimously approved.

The members re-addressed the request from Lindbergh Lacrosse Club.

Mrs. Rider stated the request has been approved in previous years. The Board requested Mrs. Rider to verify that they have permission to place a sign on the vacant lot by Sunset Ford. Mrs. Rider was also requested to advise the Lindbergh Lacrosse Club that the Board of Aldermen prefer a representative to be present at the Board of Aldermen meeting.

Alderman Nolan made a motion to approve the request from Lindbergh Lacrosse Club to place temporary signs. Alderman Haggerty seconded the motion, and it was unanimously approved.

ADJOURNMENT

Alderman Hoffmann made a motion to adjourn the meeting at 8:47 p.m. Alderman Fribis seconded the motion, and it was unanimously approved.

Recording Secretary,



Laurie Sanneman