

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF ALDERMEN  
OF THE CITY OF SUNSET HILLS, MISSOURI  
HELD ON TUESDAY, NOVEMBER 8, 2011

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, November 8, 2011. The meeting convened at 7:00 p.m.

Mayor Nolan called for a moment of silence in memory of Robert C. Jones who passed away Saturday, November 5, 2011.

Those present stood for the reciting of the Pledge of Allegiance.

**ROLL CALL**

Present:	William Nolan, Jr.	-Mayor
	Denetra Baebler	-Alderman – WARD I
	Frank Hardy	-Alderman – WARD I
	Scott Haggerty	-Alderman – WARD II
	Thomas Hrastich	-Alderman – WARD II
	Stephen Webb	-Alderman – WARD III
	Jan Hoffmann	-Alderman – WARD III
	Claudia Svoboda	-Alderman – WARD IV
	Patricia Fribis	- Alderman – WARD IV
	Laura A. Rider	-City Clerk
	William LaGrand	-Chief of Police
	Anne C. Lamitola	-City Engineer
	Phillis Hardy	-City Collector
	Robert E. Jones	-City Attorney
	Gerald Brown	-Director of Parks and Recreation

**APPROVAL OF THE MINUTES**

Copies of the Minutes of the October 11, 2011 Board of Aldermen meeting were distributed to the members for their review. Alderman Haggerty amended the second paragraph from the bottom on Page 5 to read: "Alderman Haggerty suggested changing the front page of the City's monthly newsletter by relocating the Mayor's Memo from the front page to an internal page and utilizing the front page to promote City businesses as well as the Aquatics Facility and Community Center."

Alderman Hardy made a motion to accept the Minutes as amended Alderman Fribis seconded the motion, and it was unanimously approved.

Copies of the Minutes of the October 28, 2011 Board of Aldermen meeting were distributed to the members for their review. Alderman Webb made a motion to accept the Minutes as submitted. Alderman Haggerty seconded the motion, and it was unanimously approved.

Alderman Hardy commented that Friday is Veteran's Day. He then requested the veterans in attendance to stand. Those present applauded in appreciation of the veterans in attendance.

## **PERFORMANCE RECOGNITION**

Chief LaGrand presented Officer Dan Thompson, Sergeant Jeff Morris and Detective Sergeant Bob Siscel outstanding performance awards for performance during a recent home invasion and an armed robbery in progress.

Those present applauded in appreciation.

## **EMPLOYEE SERVICE AWARD PRESENTATION**

Mrs. Rider presented a plaque of recognition to Mrs. Linda Younglove for her five years of service in the Administration Department.

Those present applauded in appreciation.

## **SCHOLARSHIP PRESENTATION**

Ms. Ragan Holliday, representing Women in Public Finance, was present and presented Miss Rachel Collins, Senior at Lindbergh High School, a \$2,000 scholarship and recognized her scholastic, academic as well as other achievements.

Those present applauded.

**PUBLIC HEARING:** Text amendment to the City's Zoning Regulations as it pertains to Appendix B, Section 7.3-3 Standards for Motor Vehicle Oriented Businesses submitted by Land West #7, LLC.

Alderman Hardy asked how far in advance Public Hearing Notices need to be posted, according to State Statutes. Mr. Jones explained the published notices must be published 15 days in advance. Alderman Hardy asked where the notices need to be published. Mr. Jones replied that the notices are posted in a publication of general circulation. The idea of a public notice and a public hearing is for people to have an opportunity to speak.

Alderman Hardy stated that 1430 S. Kirkwood Rd. and 111 Monica properties had a public hearing notice posted; however, 126 Floralea did not have a notice posted on the property. These are the three properties included in the request for a Change of Zoning and a Preliminary Development Plan. He then stated that the proposed text amendment to the City's Zoning Regulations was posted on the bulletin board outside of City Hall but was not posted on any of the three properties. In addition, the notices were added to the City's website yesterday.

Alderman Hardy stated that he was present at City Hall when the information packet was being prepared for distribution to the members of the Planning and Zoning Commission. Items not included in the Board of Aldermen packet was a lighting plan, the landscape plan and a traffic study.

Alderman Hardy stated that he is thinking there was not adequate notice for the public hearings, the required documentation was not provided to the Board of Aldermen and there were certain situations that interfered with the proper process.

Alderman Hardy made a motion that all Public Hearings regarding Land West #7, LLC be tabled until the December Board of Aldermen meeting. Alderman Svoboda seconded the motion.

Mrs. Lamitola explained that regarding the text change, the site was not posted because it is a general text amendment that would apply to any motor vehicle oriented business within the City. In addition, notices were posted within the 15 days as required and the site was posted in two places on the former Bob Evans location, but not on 126 Floralea.

Mr. Jones asked when the notification was published in the newspaper.

Mrs. Lamitola stated that the site was posted on October 21, 2011. She explained that she and Mr. Jones did not feel comfortable holding the Public Hearing at tonight's meeting for the Conditional Use Permit until there was more definitive approvals from the Missouri Department of Transportation (MoDOT). Therefore, the site will have to be posted again for the December Board of Aldermen meeting.

Alderman Webb asked if the public hearings were posted consistent with other public hearings that have been held in the past. Mrs. Lamitola replied yes, with the exception of the website being updated yesterday.

Alderman Webb asked if there was proper notice provided. Mrs. Lamitola stated that the procedures were followed. Mr. Jones added that as long as the public notice was published in sufficient time, the posting of the property is not a requirement and post cards mailed to the residents are also not required according to the State Statutes.

Mrs. Lamitola stated that post cards started being sent to residents about two years ago that are located within 300 feet of the property included in the Public Hearing.

Mrs. Lamitola explained that for a new Conditional Use Permit, a public hearing is held the next month after being presented to the Planning and Zoning Commission. However, a Public Hearing for an amended Conditional Use Permit is typically held at the next Board of Aldermen meeting.

Mrs. Lamitola stated there is documentation in the file that shows proper notice was given. She added that the notice was published in the St. Louis Countian newspaper on October 24, 2011, which complies with the State Statutes. Mr. Jones stated the St. Louis Countian is a publication of general circulation.

Alderman Hardy asked if the notice was published in the St. Louis Post Dispatch. Mrs. Lamitola replied no, notices are not published in this newspaper. Mr. Jones added that it is considerably less expensive to publish notices in the St. Louis Countian than in the St. Louis Post Dispatch.

Mrs. Lamitola stated that all information provided to the Planning and Zoning Commission is not typically provided to the Board of Aldermen; typically the Board of Aldermen relies on the recommendation from the Planning and Zoning Commission. Alderman Svoboda stated that she feels any information regarding a Petition should be provided to the Board of Aldermen. She added that she feels she is not adequately prepared to vote on the matter of the Petitions submitted by Land West #7, LLC.

Alderman Svoboda stated that no matter how long St. Louis Countian has been publishing, it is not common knowledge amongst the residents of the community to look for information in the newspaper.

Alderman Hrastich asked how often it happens that a Petition is submitted to the Planning and Zoning and then to the Board of Aldermen the following week. Mrs. Lamitola stated it has occurred in the past and gave a recent example of Five Guys Burgers & Fries who submitted a Petition for an amended Conditional Use Permit because the development had already been approved with a Conditional Use Permit.

Mr. John King, attorney representing Land West, #7, LLC, was present and stated that they will be attending the December Board of Aldermen meeting regarding the Conditional Use Permit; therefore, they would be agreeable to delaying the public hearings until the December Board of Aldermen meeting.

The members voted on the above motion made by Alderman Hardy and seconded by Alderman Svoboda to table the public hearings regarding Land West #7, LLC until the December Board of Aldermen meeting as follows:

Alderman Webb      NAY

Alderman Hoffmann	AYE
Alderman Svoboda	AYE
Alderman Fribis	AYE
Alderman Baebler	AYE
Alderman Hardy	AYE
Alderman Haggerty	AYE
Alderman Hrastich	NAY

There being 6 AYE votes and 2 NAY votes, the motion passed.

**PUBLIC HEARING:** Change of Zoning submitted by Land West #7, LLC to rezone from C-1 Commercial and R-6 Residential to PD-LC(B) Planned Development-Limited Commercial for the property at 1430 S. Kirkwood Road, 126 Floralea and 111 Monica.

As per the above motion, the above public hearing has been tabled until the December Board of Aldermen meeting.

**PUBLIC HEARING:** Preliminary Development Plan submitted by Land West #7, LLC for a proposed convenience store/gas station for the property at 1430 S. Kirkwood Road, 126 Floralea and 111 Monica.

As per the above motion, the above public hearing has been tabled until the December Board of Aldermen meeting.

Mrs. Lamitola asked for clarification regarding the proposed text amendment for motor vehicle oriented businesses.

Mr. King stated that he has known Mr. Robert C. Jones for approximately 45 years and he was one of the finest men he knew. His death is a loss for those who utilized the services of Mr. Jones as well as the legal community.

Ms. Kathy Tripp, resident of Deane Ct., was present and stated that she could not find information regarding the proposal of Petro-Mart for the Board of Aldermen meeting; the information referred to the Planning and Zoning Commission meeting. She does not feel the residents received adequate information of when the public meeting would be held.

**OLD BUSINESS**

None

**CITY OFFICIAL AND COMMITTEE REPORTS**

- (A) TREASURER/COLLECTOR – Mrs. Hardy presented these reports.
- (B) CITY CLERK – Mrs. Rider reported that filing for the April, 2012 election opens December 13, 2011 at 8:00 a.m.
- (C) CHIEF OF POLICE – Chief LaGrand had nothing to report.

- (D) CITY ATTORNEY – Mr. Jones clarified that since only one public hearing was opened regarding the Land West #7, LLC petitions, there will need to be 15 days notice provided for the other two public hearings.

Mr. Jones stated that the City was sued by Gansner Excavating regarding the Sunset Ford Basin Mattese Project; hydraulic calculations were obtained and it was determined that the basin was not constructed properly and a counter claim was filed last week to try to recover some of the money that has already been paid.

- (E) CITY ENGINEER – Mr. Wes Searcy, Assistant City Engineer, reported the first bridge on W. Watson Rd. is in place and construction is anticipated to soon begin on the second bridge.
- (F) PARKS DIRECTOR – Mr. Brown stated the one year anniversary for the Community Center was held last Saturday and it went well. Also last Saturday, 37 trees were planted in Watson Trail Park.

Alderman Hardy commented that the revenue for the ball field income is below the budgeted amount.

(G) COMMITTEE REPORTS

BUSINESS DEVELOPMENT – Alderman Webb reported the next meeting will be held on November 16, 2011.

Alderman Hardy commented that the plaza in which Five Guys Burgers and Fries is located has two new tenants. Don De Floe's Florist closed the business in September.

FINANCE – Alderman Hrastich displayed a graph of revenue which included variances for the first nine months of 2011.

Alderman Svoboda requested Alderman Hrastich email the graphs to her.

PARKS AND RECREATION – Alderman Hoffmann reported that there will be a 5K Walk/Run, Turkey Trot, at 8:00 a.m. on Thanksgiving Day. The judging for the annual holiday lighting contest will take place on December 12, 2011.

POLICE ADVISORY – Alderman Baebler had nothing to report.

PUBLIC WORKS – Alderman Webb reported the members discussed emergency debris removal bids received and recommend acceptance of the bid from Gamma Tree Service. There is no dollar amount in the contract; however, the pricing is pre-negotiated.

Alderman Webb made a motion to approve the contract with Gamma Tree Service for emergency debris removal. Alderman Hrastich seconded the motion, and it was unanimously approved.

**REQUESTS TO BE HEARD (NON-AGENDA)**

None

**NEW BUSINESS**

**Bill #22** An ordinance amending Subsection 7.3-3(C) of Appendix B of the Code of Ordinances relative to design standards for motor vehicle oriented businesses. FIRST READING

Bill # 22 will be addressed at the December 13, 2011 Board of Aldermen meeting.

**Bill #23** An ordinance amending Section 2.3-1 of Appendix B (Zoning Regulations) of the Code of Ordinances of the City of Sunset Hills, Missouri by rezoning from "C-1" Commercial District and "R-6" Residential District to "PD-LC(B)" Planned Development Business Commercial District the land described herein. FIRST READING

Bill # 23 will be addressed at the December 13, 2011 Board of Aldermen meeting.

**Bill #24** An ordinance amending the Code of Ordinances by amending Sec. 17-99 relative to speed limits on certain streets. FIRST READING

Alderman Baebler read Bill #24 by title only.

Alderman Baebler made a motion to suspend the rules and read Bill #24 for a second time. Alderman Svoboda seconded the motion.

Alderman Hardy stated that for quite some time he has been told that the City was unable to post speed limits on private streets.

Chief LaGrand stated he made an inquiry with the City Prosecuting Attorney if there were State Statutes that prevented the City from enforcing speed limits on privately owned streets. He was informed that there was case law that indicated that the City is able to enforce speed limits on privately owned streets.

Mr. Jones explained that if there are not any posted speed limit signs, a speed limit violation is extremely difficult to prosecute. Alderman Hardy stated he would like to see the case law. Mr. Jones stated that he did not bring that information with him to the meeting; however, he did research the matter. The Board of Aldermen can regulate the speed limit on private streets. Mr. Jones stated he will share with Alderman Hardy and any others who desire to review the case law.

Alderman Hardy asked how the speed limits were determined on different streets. Mr. Jones replied that the speed limit in this particular bill was suggested by the Police Department.

Alderman Fribis asked if the police patrol these streets. Chief LaGrand replied yes.

The members voted on the above motion made by Alderman Baebler to suspend the rules and read Bill #24 for a second time and seconded by Alderman Svoboda:

Alderman Svoboda	AYE
Alderman Hoffmann	AYE
Alderman Baebler	AYE
Alderman Fribis	AYE
Alderman Hardy	NAY
Alderman Haggerty	AYE
Alderman Hrastich	AYE

Alderman Webb AYE

There being 7 AYE votes and 1 NAY vote, the motion passed.

Alderman Fribis read Bill #24 by title only. SECOND READING.

Alderman Baebler made a motion to approve Bill #24. Alderman Svoboda seconded the motion, and the members voted:

Alderman Haggerty AYE  
Alderman Hardy NAY  
Alderman Hrastich AYE  
Alderman Webb AYE  
Alderman Hoffmann AYE  
Alderman Svoboda AYE  
Alderman Fribis AYE  
Alderman Baebler AYE

There being 7 AYE votes and 1 NAY vote, the motion passed.

Mayor Nolan declared Bill #24 adopted and placed in the custody of the City Clerk and entered as Ordinance #1818 of the City of Sunset Hills.

**Bill #25** An ordinance amending Section 15-34 of the Code of Ordinances relative to garage sale licenses. FIRST READING

Alderman Haggerty read Bill #25 by title only.

Alderman Baebler made a motion to suspend the rules and read Bill #25 for a second time. Alderman Haggerty seconded the motion, and the members voted:

Alderman Fribis AYE  
Alderman Baebler AYE  
Alderman Hardy AYE  
Alderman Haggerty AYE  
Alderman Hrastich AYE  
Alderman Webb AYE  
Alderman Hoffmann AYE  
Alderman Svoboda AYE

There being 8 AYE votes and 0 NAY votes, the motion passed.

Alderman Hardy read Bill #25 by title only. SECOND READING.

Alderman Hardy asked the reason for the sales being limited to two per year. Alderman Hoffmann stated that it is her recollection that there was previously a limit of two sales per year to prevent overuse by any particular resident in the City.

Mrs. Rider stated that Bill #25 will allow three garage or estate sales within a twelve month period. She also explained that licenses for garage or estate sales are issued free of charge.

Alderman Baebler made a motion to approve Bill #25. Alderman Hoffmann seconded the motion, and the members voted:

Alderman Hoffmann AYE  
Alderman Svoboda AYE

Alderman Fribis	AYE
Alderman Baebler	AYE
Alderman Hardy	AYE
Alderman Haggerty	AYE
Alderman Hrastich	AYE
Alderman Webb	AYE

There being 8 AYE votes and 0 NAY votes, the motion passed.

Mayor Nolan declared Bill #25 adopted and placed in the custody of the City Clerk and entered as Ordinance #1819 of the City of Sunset Hills.

**Resolution #329** A resolution approving a Preliminary Development Plan for Land West #7, LLC.

Resolution #329 will be addressed at the December 13, 2011 Board of Aldermen meeting.

**Resolution #330** A resolution adopting the 2012 Budget. FIRST READING

Alderman Hrastich stated he forwarded a packet to the Board of Aldermen a few weeks ago regarding the 2012 Budget. He stated the Finance Committee has a few requests. They would like the Board of Aldermen to determine if the 2012 Budget needs to be balanced and if so to identify additional reductions that should be made.

Alderman Hrastich stated each department placed a salary increase of 3% for each employee which would be approximately \$140,000. If a salary increase follows the Personnel Policy Manual, a step increase if a satisfactory evaluation is received by each employee, the cost would be approximately \$93,000.

Alderman Hrastich stated the Department Heads eliminated expenses as best as they could. The Finance Committee feels the Board of Aldermen should identify further reductions to the budget or to determine there will be a deficit budget.

Alderman Svoboda stated she does not recall salaries being run by the Personnel Committee.

Alderman Hrastich explained that the Personnel Policy Manual states that every employee who receives a good evaluation was to receive a salary increase of 3%, unless they are at the top of their particular grade.

There was discussion regarding the CRF, asphalt maintenance that has been performed in recent years that is a cost savings. It was pointed out that there were complaints received regarding this year's CRF project.

Alderman Svoboda stated she sees disparities between the salaries of certain individuals and she is not pleased about it. She feels the disparities need to be addressed; some employees make a huge amount of money and some do not make much at all. It was pointed out that a salary study was performed in 2007. Alderman Svoboda stated she feels it is time for another study.

Alderman Haggerty stated he is in favor of salary freezes. Alderman Fribis stated she owns a business and understands there is a need for salary freezes as she does not want to reduce the services to the residents. Alderman Hrastich and Alderman Hardy agreed their preference would be to follow the Personnel Policy Manual. Alderman Svoboda stated she feels there should be a salary freeze.

Alderman Hardy stated that it has been reported that the athletic fields are doing well but questioned the revenue of the athletic fields. Mr. Brown explained that the Parks and Recreation Department, is not

a set number; the number of participants in a particular program can be projected but that number of participants is not a guarantee. However, the expenses will only be for the number of participants. Therefore, it is important to take into consideration the expenses as well as the revenue in all aspects of the Parks and Recreation Department Budget.

Mr. Brown also explained that the Football Association is not utilizing the athletic fields this year and this revenue was included in this year's budget. In addition, there was revenue lost due to the shelter being destroyed in Watson Trail Park in the tornado on December 31, 2010.

Mr. Brown explained that historically there are programs that are offered free of charge such as the Easter Egg Hunt; band concerts, movie nights, etc.

.Alderman Hrastich asked the Aldermen if they would be in favor of following the Personnel Manual and allow a step increase if an employee receives a favorable evaluation or to have a salary freeze. Aldermen Haggerty, Hoffman, Svoboda, Fribis and Baebler supported a salary freeze and Aldermen Hrastich, Hardy and Webb supported following the Personnel Policy.

Alderman Svoboda commented that she would still like the disparities in the salaries to be reviewed. Alderman Hardy added that he would like the salaries to be reviewed and compared to other municipalities.

### **Park and Aquatic Fees**

Mr. Brown stated that the fees are presented to the Board of Aldermen each year. The fees for neighboring municipalities were surveyed and the proposed fees are in line with other municipalities.

Alderman Fribis made a motion to approve the Park and Aquatic Fees as proposed. Aldermen Baebler seconded the motion, and it was unanimously approved.

### **Proclaim the month of November as "National American Indian Heritage Month"**

Mayor Nolan read the above proclamation.

Alderman Fribis stated that every year the City has held a gathering around the holidays to thank the committee members, volunteers, businesses and employees. Last year approximately 210 people attended and the cost was around \$3,700.

Alderman Webb stated he has attended the event in the past and has enjoyed them and they have been beneficial; however, due to the budget reductions for the 2012 budget and salary freezes, he does not feel an open house would be appropriate.

Alderman Hoffmann stated that the event is to express appreciation to the businesses in the City and the residents who volunteer and serve on committees.

Alderman Fribis made a motion to move forward with a Holiday Open House and to approve a budget amendment not to exceed \$4,000 for the associated costs. Alderman Svoboda seconded the motion.

Alderman Hardy suggested contacting several caterers to obtain prices. It was also pointed out that businesses are limited to two people.

Alderman Hoffmann amended the above motion to move forward with a Holiday Open House and approve a budget amendment not to exceed \$5,000 to cover costs in the event more people attend than

last year. Alderman Fribis seconded the motion. All members voted AYE with the exception of Alderman Webb and Alderman Hardy who voted NAY, therefore the motion passed.

The members voted on the above amended motion made by Alderman Hoffmann and seconded by Alderman Fribis to approve a budget amendment not to exceed \$5,000 for a Holiday Open House:

Alderman Baebler	AYE
Alderman Haggerty	NAY
Alderman Hrastich	NAY
Alderman Webb	NAY
Alderman Hoffmann	AYE
Alderman Svoboda	AYE
Alderman Fribis	AYE
Alderman Hardy	NAY

There being 4 AYE votes and 4 NAY votes, Mayor Nolan voted AYE to break the tie. There being 5 AYE votes and 4 NAY votes, the motion passed.

### **INVOICES TO BE APPROVED**

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

### **A MOTION TO HOLD A CLOSED MEETING**

Alderman Baebler made a motion to hold a closed meeting with closed votes and records immediately after adjournment of the regular meetings on Tuesday, December 13, 2011 and Tuesday, December 27, 2011. Alderman Svoboda seconded the motion, and the members voted:

Alderman Haggerty	AYE
Alderman Webb	AYE
Alderman Hardy	AYE
Alderman Fribis	AYE
Alderman Hrastich	NAY
Alderman Hoffmann	AYE
Alderman Svoboda	AYE
Alderman Baebler	AYE

There being 7 AYE votes and 1 NAY votes, the motion passed.

### **APPOINTMENTS**

a) None

Reappointments

a)

None

Mrs. Rider asked if there was a preferred date for the Holiday Open House. It was determined that the date would depend on the availability of the community center.

Alderman Webb encouraged all to come to meetings prepared and ready to discuss the issues that are to be addressed during the meeting.

**ADJOURNMENT**

Alderman Haggerty made a motion to adjourn the meeting at 9:15 p.m. Alderman Webb seconded the motion, and it was unanimously approved.

Recording Secretary,

A handwritten signature in cursive script that reads "Laurie Sanneman".

Laurie Sanneman