

MINUTES OF THE REGULAR MEETING
OF THE BOARD OF ALDERMEN
OF THE CITY OF SUNSET HILLS, MISSOURI
HELD ON TUESDAY, SEPTEMBER 11, 2007

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, September 11, 2007. The meeting convened at 7:00 p.m.

Mayor Hunzeker called for a moment of silence in remembrance of the events that transpired on September 11, 2001.

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

ROLL CALL

Present:	John T. Hunzeker	-Mayor
	Frank Hardy	-Alderman – WARD I
	Douglas McGuire	-Alderman – WARD I
	John W. Littlefield	-Alderman – WARD II
	Thomas Hrastich	-Alderman – WARD II
	Lynn D. Flowers	-Alderman – WARD III
	Frank Gregory	-Alderman – WARD IV
	Mike Svoboda	- Alderman – WARD IV
	Laura A. Rider	-City Clerk
	William LaGrand	-Chief of Police
	Anne C. Lamitola	-City Engineer
	Thomas Fleer	-City Collector
	Robert C. Jones	-City Attorney
	Gerald Brown	-Director of Parks and Recreation
Absent:	Jan Hoffmann	-Alderman – WARD III

APPROVAL OF THE MINUTES

Copies of the Minutes of the August 14, 2007 Board of Aldermen meeting were distributed to the members for their review. Alderman McGuire made a motion to accept the Minutes as submitted. Alderman Svoboda seconded the motion, and it was unanimously approved.

EMPLOYEE SERVICE AWARD

Mrs. Lamitola presented Mrs. Trish Moore a certificate of appreciation for her 10 years of service to the city in the Public Works Department.

Those present applauded the above employee in appreciation of her service to the city.

REQUESTS FOR BUSINESS LICENSE:

- A)** The Mattress Firm, 10800 Sunset Plaza

A representative was not present.

This will be held over.

- B)** Topnotch Professional Detailers, 11816 Gravois Road

This item was addressed at the end of the meeting prior to adjournment due to a representative not being present at this point of the meeting.

REQUESTS TO BE HEARD

- A)** Request from Laumeier Sculpture Park for a fireworks display at their 30th Birthday Bash.

Ms. Marie Oberkirsch was present and stated the fireworks display will be on October 5, 2007 between 10:30 p.m. and 11:00 p.m. in the central portion of the park. The display will last approximately five to seven minutes.

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

PUBLIC HEARING: Amended conditional Use Permit submitted by Mobile Techs for the property at 12954 Gravois Road to operate a vehicle repair shop and office.

Mr. Kevin Tabor, owner of Mobile Techs, was present and explained that half of his business will relocate to the previous location of 12954 Gravois Road and the other half will be located on Lemay Ferry Road. The business will perform the same services.

Alderman Hardy questioned if there would be sufficient parking. Mr. Tabor stated that there will be parking in front of the office and the shop and on the side of the building. Mr. Tabor further stated that there have not been any complaints from visitors or customers in regards to parking.

Alderman Gregory asked if the location at 12954 Gravois Road is a temporary location. Mr. Tabor replied yes, it is anticipated a new building on Winter Industrial Drive will be completed in nine months to one year.

Alderman McGuire asked if his business has been affected by the closing of the Old Gravois Bridge. Mr. Tabor replied, not really as a lot of his business is fleet repair.

Mrs. Lamitola stated that the parking would meet the requirements in the zoning regulations.

Mayor Hunzeker declared the public hearing closed.

OLD BUSINESS

Bill #20 An ordinance amending Appendix B (Zoning Regulations) of the Code of Ordinances of the City of Sunset Hills, by repealing Subsection 7.3-3(B).
SECOND READING

Alderman Hrastich stated that all of Section 7.3-3 is being worked on to be replaced, which was distributed to the Aldermen last week for their comments and review. He suggested the Board dispense the bill and discuss the issue when the new bill is completed.

Mayor Hunzeker stated that the Planning and Zoning Commission recommended Bill #20 for approval to the Board of Aldermen.

Alderman Littlefield read Bill #20 by title only.

Alderman Littlefield asked if the Board could approve the bill and then replace the entire section at a later date. Mr. Jones stated he feels it would be difficult to amend the bill this evening as he just received the suggested replacement of all of Section 7.3. If it is desired to replace all of Section 7.3 it will need to be sent back to the Planning and Zoning Commission.

Mayor Hunzeker stated the bill, as it is, discourages property owners from using their property in the way they desire. There are other ordinances available to accomplish the same objective.

Alderman Littlefield made a motion to approve Bill #20. Alderman Flowers seconded the motion, and the members voted:

Alderman McGuire	AYE
Alderman Flowers	AYE
Alderman Hardy	NAY
Alderman Littlefield	AYE
Alderman Gregory	ABSTAINED
Alderman Svoboda	NAY
Alderman Hrastich	NAY

There being 3 AYE votes, 3 NAY votes and 1 abstention, the motion did not pass.

Bill #22 An ordinance approving a Record Plat of Sunset Bluffs SECOND READING

Alderman Svoboda read Bill #22 by title only.

Mrs. Imo, property owner adjacent to the proposed subdivision, was present and stated that she saw the proposed plat just prior to this meeting and is satisfied with the plat and does not have any further comments.

Mr. Green, of ISR Real Estate, was present and stated that ISR has written a letter to Mr. and Mrs. Imo.

Alderman Littlefield made a motion to approve Bill #22. Alderman Svoboda seconded the motion.

Alderman Hardy stated the Record Plat refers to Sunset Farms homeowner's association. Mr. Green stated that this is incorrect and should refer to Sunset Bluffs. Mr. Green stated that this will be corrected prior to recording the plat. Mr. Jones stated that this error is required to be corrected before the plat is submitted to the city for signatures.

The members voted on the above motion made by Alderman Littlefield to approve Bill #22 and seconded by Alderman Svoboda:

Alderman McGuire	AYE
Alderman Littlefield	AYE
Alderman Hardy	AYE
Alderman Gregory	AYE
Alderman Hrastich	AYE
Alderman Flowers	AYE
Alderman Svoboda	AYE

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

Mayor Hunzeker declared Bill #22 adopted and placed in the custody of the City Clerk and entered as Ordinance #1697 of the City of Sunset Hills.

Bill #23 An ordinance approving the Tree Manual and Standards of Practice for the City of Sunset Hills, Missouri. SECOND READING

Alderman Flowers read Bill #23 by title only.

Alderman Hrastich made a motion to table Bill #23 as it is still under revision. Alderman Littlefield seconded the motion.

Alderman Littlefield stated he appreciates the volunteers that have been working on the Tree Manual.

The members voted on the above motion made by Alderman Hrastich to table Bill #23 and seconded by Alderman Littlefield:

Alderman Flowers	AYE
Alderman Gregory	AYE
Alderman McGuire	AYE
Alderman Svoboda	AYE
Alderman Hardy	AYE
Alderman Littlefield	AYE
Alderman Hrastich	AYE

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

Bill #23 will be held over.

Bill #27 An ordinance approving a contract with St. Louis County, Missouri for provision of municipal ordinance prosecution services in the mental health court/jail diversion program. SECOND READING

Alderman Gregory read Bill #27 by title only.

Alderman Hardy made a motion to approve Bill #27. Alderman McGuire seconded the motion, and the members voted:

Alderman Gregory	AYE
Alderman McGuire	AYE
Alderman Littlefield	AYE
Alderman Svoboda	AYE
Alderman Flowers	AYE

Alderman Hardy AYE
Alderman Hrastich AYE

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

Mayor Hunzeker declared Bill #27 adopted and placed in the custody of the City Clerk and entered as Ordinance #1698 of the City of Sunset Hills.

CITY OFFICIAL AND COMMITTEE REPORTS

- (A) TREASURER/COLLECTOR – Mr. Fler presented these reports.
- (B) CITY CLERK – Mrs. Rider reported the city will be hosting the St. Louis County Municipal League meeting on September 27, 2007 at 7:30 p.m.
- (C) CHIEF OF POLICE – Chief LaGrand reported the serious crimes have decreased; arrests, traffic enforcement and accidents have slightly increased.
- (D) CITY ATTORNEY – Mr. Jones requested Mayor Hunzeker execute Ordinance #1698 as soon as possible so it can be sent to St. Louis County.
- (E) CITY ENGINEER – Mrs. Lamitola reported that the Street Department has been working on limb pickup throughout the city from the storm on August 24. Code compliance nuisance hearings are complete and three primary structures located on parcels in Sunset Manor have been ordered to be removed. There has also been a nuisance order issued for 13060 W. Watson Rd. There was one petition presented to the Planning and Zoning Commission and two matters presented to the Board of Adjustment. The Missouri Department of Transportation has started restriping Interstate 44 to prepare for the Highway 40 project. The contractor for the Hilltop Drive project is continuing to work on placing asphalt base, concrete curb and gutter and moving along towards Gravois Road. City hall improvements are close to being completed. There have been public meetings held for the Mattese tributary study and they were well attended. A public meeting for the Old Gravois Road project has been postponed and has not yet been scheduled. The concentrated slab replacement project on Meppen Court has been completed.
- (F) PARKS DIRECTOR – Mr. Brown reported that approximately 25 people attended the second public forum for the trails that was held on September 5. The final document is anticipated to be received in October. The audit on the pool has been completed.

(G) COMMITTEE REPORTS

FINANCE – Alderman Hrastich reported the Finance Committee will meet next week for 2008 budget presentations.

PARKS AND RECREATION – Alderman Hoffmann was not present.

PARKS STEERING COMMITTEE – Alderman Littlefield stated they are working towards an October presentation.

POLICE ADVISORY – Alderman McGuire had nothing to report.

PUBLIC WORKS – Alderman Gregory reported the Committee walked Hilltop Drive to review the project. He encouraged anyone who may have an issue with storm water to contact the Public Works Department. The committee is in the process of reviewing trash pickup and recycling.

SPECIAL PROJECTS COMMITTEE – Alderman Littlefield had nothing to report.

REQUESTS TO BE HEARD (NON-AGENDA)

Mr. Butch Thomas, Chairman of the city’s 50th anniversary celebration, was present and stated that all events have been successful. The time capsule will be buried and an open house will be held this Saturday, September 15 and the military program will take place on October 13. The final event will be the Mayor’s Charitable Gala in November.

NEW BUSINESS

Bill #28 An ordinance approving the “Intergovernmental Agreement for Old Gravois Bridge Funding”. FIRST READING

Alderman Gregory read Bill #28 by title only.

Mayor Hunzeker stated that the agreement would allow the process to continue in regards to replacing the Old Gravois Bridge that connects the city with the city of Fenton. He explained that there are a number of steps to be taken to replace the bridge. He requested the Board suspend the rules and read Bill #28 for a second time in order to meet the deadline to submit a grant application.

Alderman Hardy stated last week he, Alderman Hrastich and Alderman Svoboda attended the Fenton Board of Aldermen meeting and this issue was discussed. The Board did two of three readings and he believes the follow up reading will take place at their meeting next Monday. He then stated he feels the project should be approved but questions the addition of one sentence to paragraph number 9 of the agreement regarding the consent of Fenton.

Mr. Jones stated that he added this sentence after receiving a comment that it was not desired to have micromanaging to go back to the Board of Aldermen of Fenton all the time. Therefore, he sent an email to the Assistant City Attorney for Fenton on August 31st with the additional sentence. Mr. Jones added that he received a response to his email stating that the additional sentence was fine and he would present this to the Board of Aldermen of Fenton. However, it is his understanding that the Fenton Board of Aldermen did not take up the agreement with the additional sentence.

Alderman Hardy asked if it was the intention of Fenton to approve the agreement with the additional sentence. Mayor Hunzeker replied he does not know as this is a matter for Fenton to determine.

Alderman Svoboda asked if the additional sentence could be removed. Mr. Jones replied yes if so desired.

Mayor Hunzeker stated the bill is regarding the city agreeing to an Intergovernmental Agreement. The agreement would allow the deadline to be met to submit the application. He restated that there will be many obstacles for replacing the bridge and there are procedures in place that will oversee and control.

Alderman Gregory made a motion to suspend the rules and read Bill #28 for a second time. Alderman Littlefield seconded the motion, and the members voted:

Alderman Svoboda	AYE
Alderman McGuire	AYE
Alderman Littlefield	AYE
Alderman Flowers	AYE
Alderman Hrastich	AYE
Alderman Gregory	AYE
Alderman Hardy	AYE

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

Alderman Gregory read Bill #28 by title only. SECOND READING.

Alderman Gregory made a motion to approve Bill #28. Alderman McGuire seconded the motion, and the members voted:

Alderman Gregory	AYE
Alderman McGuire	AYE
Alderman Hardy	AYE
Alderman Littlefield	AYE
Alderman Svoboda	AYE
Alderman Flowers	AYE
Alderman Hrastich	AYE

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

Mayor Hunzeker declared Bill #28 adopted and placed in the custody of the City Clerk and entered as Ordinance #1699 of the City of Sunset Hills.

Budget Amendment for \$22,500 for grant application fee if the Intergovernmental Agreement is approved.

Alderman Hrastich made a motion to approve a Budget Amendment for \$22,500 to Account #0150005063 Engineering Surveying for grant application fee for Old Gravois Road Bridge Funding. Alderman McGuire seconded the motion, and it was unanimously approved.

The Findings of Fact and Conclusions of Law for an Amended Conditional Use Permit for the property at 12954 Gravois Road to operate a vehicle repair shop and office facility.

Alderman Svoboda read the above Finds of Fact and Conclusions of Law.

Alderman Gregory made a motion to approve the Findings of Fact and Conclusions of Law for an Amended Conditional Use Permit for the property at 12954 Gravois Road to operate a vehicle repair shop and office facility. Alderman Hrastich seconded the motion, and the members voted:

Alderman Hrastich	AYE
Alderman Littlefield	AYE
Alderman Gregory	AYE
Alderman McGuire	AYE
Alderman Hardy	AYE
Alderman Svoboda	AYE
Alderman Flowers	AYE

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

Resolution No. 293 – A resolution authorizing application for a grant-in-aid under the Municipal Parks Grant Commission.

Alderman McGuire read Resolution #293.

Alderman Hardy asked how the funding would be utilized. Mr. Brown stated that the Parks and Recreation Commission have been considering a few projects but have not yet determined the exact project.

Alderman McGuire made a motion to suspend the rules and read Resolution #293 for a second time. Alderman Svoboda seconded the motion, and the members voted:

Alderman Gregory	AYE
Alderman Svoboda	AYE
Alderman McGuire	AYE
Alderman Hardy	AYE
Alderman Littlefield	AYE
Alderman Hrastich	AYE
Alderman Flowers	AYE

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

Resolution No. 294 – A resolution approving a request for redevelopment proposals for the northwest corner of Lindbergh & Watson redevelopment area and authorizing the distribution thereof.

Alderman Hardy read Resolution #294 by title only.

Mayor Hunzeker stated by approving Resolution No. 294 the city will be requesting developers to submit proposals for what would be a new development. The property is zoned commercial. The property is willingly for sale. A new development at this location could add significant value to the city.

Alderman Hardy stated that he has read the request for redevelopment proposals and guidelines and the requirement for submittal. He further stated that he read the definition of a redevelopment area in the state statutes and he feels the area does not meet the definition of a redevelopment area.

Mr. Jones stated that he respectfully disagrees with Alderman Hardy's opinion and advised that in his opinion the area does meet the criteria for a redevelopment area as defined. An actual study will show if the area is blighted and if it is a conservation area.

Mr. Roger Kreutz, owner of the redevelopment area, was present. Mayor Hunzeker asked if Mr. Kreutz was interested in the city proceeding with request for proposals for the redevelopment of his property. Mr. Kreutz replied yes.

Mr. Jones stated that he feels the city is legally correct and the bond counsel also feels the city is legally correct.

Alderman Gregory stated that the resolution would be requesting proposals and the city would not be committing to anything.

Mr. Jones explained that the Governor of Missouri has signed a bill that in his opinion does not make sense. The bill adds a TIF Commission in St. Louis County. He stated that the city attorneys he has spoken with have not yet determined that on January 1st a second TIF Commission would be required, which would eliminate the city's TIF Commission and would allow the County's TIF Commission to take over. There is apparently some action in the special session of the legislature to clarify the bill.

Alderman Hrastich stated that it may be determined that the city does not want to continue to use the services of PGAV and asked if the city would be entering in a contract with PGAV. Mr. Jones replied yes if the city decides to do so. However, the request for proposals will have to be used how they were prepared and pay PGAV for preparing the document. The city would then have to approve someone else to do the work between now and December 31, 2007.

Mr. Jones stated that the notice needs to be published in the newspaper by Friday and letters need to be sent to the other taxing districts tomorrow.

Mr. Jones stated that eminent domain is not anticipated as the property owner is willing to sell his property. There may be a TIF, but this is not known.

Alderman Gregory stated that Page 3 of the RFP refers specifically to a contact at PGAV. If PGAV is not approved by the Board the notice would have to be revised.

Alderman Gregory made a motion to approve Resolution #294. Alderman Littlefield seconded the motion, and the members voted:

Alderman Littlefield	AYE
Alderman Hardy	NAY
Alderman Hrastich	AYE
Alderman Flowers	AYE
Alderman Gregory	AYE
Alderman Svoboda	AYE
Alderman McGuire	AYE

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

Resolution No. 295 – A resolution authorizing the City of Sunset Hills, Missouri to engage Gilmore & Bell, P.C. as special counsel and bond counsel in connection with the potential establishment of one or more redevelopment districts.

Alderman Hardy read Resolution #295.

Mr. Jones stated that the city has used the services of Gilmore and Bell, P.C. since 1994. They are ranked number one in Missouri and Kansas. The city has used the services of Gilmore and Bell, P.C. for the bond work for TIF matters anchored by Home Depot, Toys R US as well as the construction of the police station, public works building and the renovation of city hall. Mr. Jones recommended the city continue using the services of Gilmore & Bell, PC. If the city determines to move forward, a bond counsel will be needed with their experience.

Alderman Hrastich asked if it is premature for services such as this when a project has not yet been proposed. Mr. Jones stated that typically, the city would receive a bill for their services if a project failed otherwise they would bill for the fees and expenses. The costs would be fairly standard.

Mayor Hunzeker stated that if the RFP is of no value and the city incurs an expense, it will be known before the end of the year.

Alderman Svoboda made a motion to approve Resolution #295. Alderman Gregory seconded the motion, and the members voted:

Alderman McGuire	AYE
Alderman Hardy	AYE
Alderman Svoboda	AYE
Alderman Littlefield	AYE
Alderman Hrastich	AYE
Alderman Flowers	AYE
Alderman Gregory	AYE

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

Resolution No. 296 – A resolution authorizing the City of Sunset Hills, Missouri to engage Gilmore & Bell, P.C. as bond counsel, in connection with the proposed issuance of lease obligations.

Alderman Svoboda read Resolution #296.

Mr. Jones stated that a bond counsel is needed in regards to the sales tax that will be paid as of October 1. The bond counsel will determine what items can be used for reimbursement to the city. One of the only ways to accomplish this under law is to have a lease of certain property the city owns. This would enable the city to borrow money by putting up property of the city and receiving the funds then paying it back as the sales tax is collected. Mr. Jones stated that he feels the city should have the services of Gillmore & Bell, P.C. even if the bond issue is not approved.

Mayor Hunzeker stated the Special Projects Committee is considering several ideas as is the Parks and Recreation Commission and the Public Works Committee.

Alderman Gregory stated that he is familiar with the bond process and is also familiar with the law firm of Gilmore & Bell, P.C. who has a fine reputation. He asked if other law firms have been considered. Mr. Jones stated that he feels the city needs to determine if the city receives good service from whom they are using. The city has received good service from Gilmore & Bell, P.C. He further stated that the firm of Gilmore & Bell, P.C. specializes in this kind of work. However, the Board can determine to utilize another law firm if so desired.

Alderman Hrastich made a motion to approve Resolution #296. Alderman Gregory seconded the motion, and the members voted:

Alderman Gregory	AYE
Alderman Svoboda	AYE
Alderman McGuire	AYE
Alderman Littlefield	AYE
Alderman Hardy	AYE
Alderman Hrastich	AYE
Alderman Flowers	AYE

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

Motion to approve a contract with Pecham Guyton Albers & Viets, Inc. if the Request for Redevelopment Proposals for the northwest corner of Lindbergh & Watson is approved.

Alderman McGuire made a motion to approve the above contract with Pecham Guyton Albers & Viets, Inc. Alderman Littlefield seconded the motion, and the members voted:

Alderman Littlefield	AYE
Alderman Flowers	AYE
Alderman Hardy	NAY
Alderman Svoboda	AYE
Alderman Hrastich	NAY
Alderman Gregory	AYE
Alderman McGuire	AYE

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

Proclaim September 30, 2007 as “American Gold Star Mothers Recognition Day”.

Alderman Flowers read the above Proclamation.

Proclaim the week of September 17 – 23, 2007 as “Constitution Week” in the City of Sunset Hills.

Alderman McGuire read the above Proclamation.

INVOICES TO BE APPROVED

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

APPOINTMENTS

a) TIF Commission Appointments

Mayor Hunzeker requested approval to appoint Mr. Bill Holland as Chairman of the TIF Commission for a four year term; to affirm the previously made appointments to the TIF Commission, Mr. Jerry Von Rohr, Mr. Eugene Morganthaler, Mr. Ted Jacoby, Mr. David Breen; and to appoint Mr. Stephen Webb as a new member of the TIF Commission.

Reappointment

Mrs. Kerry Borawski to Finance Committee for a two year term.

Alderman McGuire made a motion to approve the above appointments as requested. Alderman Flowers seconded the motion, and the members voted:

Alderman Svoboda	NAY
Alderman Littlefield	AYE
Alderman Hrastich	NAY
Alderman Flowers	AYE
Alderman Gregory	Stated he was going to ABSTAIN because he did not

know the people requested for approval.

Mayor Hunzeker restated that it is a request to appoint Mr. Bill Holland, who is currently a member of the Commission to Chairman of the TIF Commission and to reappoint the four members on the TIF Commission and to appoint a new member to the Commission, Mr. Stephen Webb. Mayor Hunzeker added that Mr. Webb is a current member of the Planning and Zoning Commission.

Alderman McGuire stated that Mr. Von Rohr recently resigned from the Business Development Committee and asked if Mr. Von Rohr would have time to serve on the TIF Commission. Mr. Jones replied that he did not resign from the TIF Commission; if Mr. Von Rohr decides to resign from the TIF Commission, a new member can be appointed at the October 9, 2007 Board meeting.

Alderman Gregory	changed his vote to AYE
Alderman McGuire	AYE
Alderman Hardy	NAY

There being 4 AYE votes and 3 NAY votes, the motion passed.

A representative of Topnotch Professional Detailers was present at this point of the meeting. Therefore, the Board addressed this item as their next order of business.

B) Topnotch Professional Detailers, 11816 Gravois Road

An unidentified representative was present and stated that the business has been in operation for 10 years and is formerly known as MJ Mobile. This would be a new location and the business performs detail work on vehicles.

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

Alderman Hrastich made a motion to approve a budget amendment of \$83,300 to Account #0150005063 Engineering Surveying for the fee of Cole and Associates for the Hilltop Drive contract administration. Alderman Gregory seconded the motion, and it was unanimously approved.

ADJOURNMENT

Alderman Hrastich made a motion to adjourn the meeting at 8:44 p.m. Alderman Flowers seconded the motion, and it was unanimously approved.

Recording Secretary,



Laurie Govreau