

MINUTES OF THE REGULAR MEETING
OF THE BOARD OF ALDERMEN
OF THE CITY OF SUNSET HILLS MISSOURI

HELD ON August 10, 2021

BE IT REMEMBERED 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 on Tuesday August 10, 2021. 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
Joe Stewart	-Alderman Ward I
Casey Wong	-Alderman Ward II
Christine Lieber	-Alderman Ward II
Cathy Friedmann	-Alderman Ward III
Randal Epperson	-Alderman Ward III
Thompson Price	-Alderman Ward IV
Fred Daues	-Alderman Ward IV
Brittany Gillett	-City Administrator
Bryson Baker	-City Engineer
Gerald Brown	-Director of Parks & Recreation
Stephen Dodge	-Chief of Police
Robert E. Jones	-City Attorney

ABSENT: Susanna Messmer -Finance Director

The Mayor announced that today was the 200th birthday of our State.

Approval of the minutes of the July 13 regular and closed session meetings and the July 22 special and closed session meetings

Alderman Price made a motion to accept the minutes as read for the July 13 regular and closed session meetings and the July 22 special and closed session meetings.

Alderman Lieber made a motion to amend both the regular and closed session minutes for July 13, 2021. Alderman Lieber then requested to table the closed session minutes until the next closed session.

Mayor Fribis re-stated Alderman Lieber's motion to table the regular and closed session minutes for July 13, 2021.

Alderman McMunn seconded the motion and it was unanimously approved.

Motion for approval for the July 22 minutes for special and closed session meetings.

Alderman Epperson made a motion to accept the minutes as read for the June 22, 2021 special and closed session meetings. Alderman Stewart seconded the motion and it was unanimously approved.

Consent Agenda:

- a. Bills to be approved

- b. Request by Beer Outside for a temporary liquor license for Laumeier Food Truck Fest September 3, 2021
- c. Request by St. Justin Martyr Church for a temporary liquor license for their special event Fall Festival September 24-25, 2021
- d. Request by St. Catherine Laboure for the special event Adult Volleyball Tournament October 8-10, 2021

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

Public Hearing: The Board will consider and discuss a petition for a Conditional Use Permit, submitted by UA Sunset Hills, LLC, for an indoor amusement center at 10990 Sunset Hills Plaza

Marc Kornfeld gave a brief explanation and history of the proposed tenant Urban Air. He explained the detailed approval process for new tenants to be accepted into the Shoppes.

Mr. Kornfeld introduced Mr. Joe Van Dusen of Urban Air. Mr. Van Dusen gave a video presentation on Urban Air.

Mr. Van Dusen replied to questions in reference to other locations, tax revenues and proposed opening dates. He explained they would like to be open in time for the holiday season.

Public Comment:

1. Marie Davis, 9405 Parklind Avenue resident, and President of the Crestwood-Sunset Hills Chamber of Commerce Board, stated she approved of the CID. Ms. Davis expressed how good the CID would be for the City and the existing businesses. She stated both would benefit from the number of visitors the Bass Pro Shop would bring in.
2. Mayor Fribis read the comment submitted by John Erysian, owner of Circle of Knowledge, located at 10980 Sunset Hills Plaza. Mr. Erysian stated they enthusiastically supported Urban Air as a tenant and felt it would be a benefit to the entire community if Urban Air could open as soon as possible.
3. Kirk Syberg of 12422 Alswell Lane. Mr. Syberg stated how excited they were for the Bass Pro Shop. He also stated he felt Urban Air would be a great addition to the City. Mr. Syberg explained people would come from all over to visit the Bass Pro Shop, which would benefit the whole community, all the businesses, restaurants and hotels. He stated they were very excited about it.
4. Mayor Fribis read a comment from resident Angie Wiegl at 9717 Crestwick Drive. Ms. Wiegl gave an update on the permitting status from the Missouri Department of Natural resources for the proposed water tower. She explained several issues cited by DNR that were being looked into before a permit was issued to MAWC.
5. Mr. Thomas Ortmann of 12790 West Watson Road explained his concern over an article in the paper discussing the Board's objection to pre-engineered metal buildings and siding. He expressed his concern with the restriction and distributed booklets on pre-engineered metal siding and buildings.

Mr. Ortmann explained there were several buildings in the City with metal siding and/or pre-engineered sections.

Alderman Epperson explained it was a misconception that the Board had ruled out metal siding and its use as an architectural feature. He stated the Board would just have more control over its use. Mr. Ortmann explained he sold metal buildings and wanted to verify the situation. He thanked the Board and left the meeting.

6. Mayor Fribis read a comment submitted by Jessica Hoeman of 1489 Royal Springs Drive against the use of cross bows during archery season. Ms. Hoeman cited several reasons she was against the proposed change to follow Missouri Department of Conservation State Hunting regulations. Ms. Hoeman stated she felt the minimum acreage should be increased.
7. Mayor Fribis read a comment submitted by Alderman Casey Wong ,10246 East Watson Road, submitted in a resident capacity. Mr. Wong stated he felt suspending the rules for a second reading on the same evening was rush voting and should be a rare exception.

Old Business:

**Bill No. 8- An Ordinance providing for a separate fund for Proposition P Tax Receipts and tracking income and expenditures therefrom
SECOND READING**

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

Alderman Epperson spoke on the restricting of the Proposition P Funds. He emphasized the need to secure the funds for the future. He spoke briefly on establishing fund balance policies and that those should not hinder the passing of this ordinance.

Alderman Epperson made a motion to approve Bill No. 08.
Alderman Price seconded the motion.

Alderman Wong stated there was no reason the Bill had to pass this evening and preferred to wait until fund balance policies had been established.

Alderman Daues also stated there was plenty of time to pass the Bill, he suggested tabling it and setting up the fund balance policies.

Alderman Friedmann stated she would like to see the ordinance pass but with a fund balance policy established.

Alderman Epperson reiterated that setting up fund balance policies would not affect this bill at all. He stated he respected the other opinions but felt this should be passed now.

There was additional discussion on the original language in Proposition P and how it was presented to the voters.

Mayor Fribis asked Alderman Stewart, as Chairman of the Finance Committee, if the committee gave approval for this. Alderman Stewart confirmed yes.

ROLL CALL VOTE:

Vote: Passed (Summary Yes=4, No =4) Mayor Broke the tie.

Aye: Alderman Price, Alderman Epperson, Alderman Stewart, Alderman Lieber

Nay: Alderman McMunn, Alderman Wong, Alderman Friedmann, Alderman Daues

Mayor Fribis broke the tie with an aye vote and declared Bill No. 08 to become Ordinance # 2209.

**Bill No. 10- An Ordinance granting an Amended Conditional Use Permit to Lutheran Church of the Resurrection for reinstallation of a Carillon Bell sound system at 9907 Sappington Road
SECOND READING**

Alderman Price read Bill No. 10 for a second reading.
Alderman Price made a motion to approve Bill No. 10.

Alderman Lieber seconded the motion.

Alderman Wong asked about the decibels involved with the bell system and asked Mr. Baker what other information the applicant had brought to the City since the last meeting. Mr. Baker stated all the information was provided in the packets and that the applicant agreed to meet St. Louis County's noise ordinances. Mr. Baker stated the applicant was required to follow the City's noise ordinance as well as St. Louis County. Alderman Wong asked if there was a down side to adding the compliance language to the CUP. Mr. Baker stated there was not a down side, but the applicant had to comply with St. Louis County's ordinances regardless.

ROLL CALL VOTE:

Vote: Passed/Failed (Summary Yes=8)

Alderman McMunn, Alderman Stewart, Alderman Lieber, Alderman Epperson, Alderman Price, Alderman Daues, Alderman Friedmann, Alderman Wong

Mayor Fribis declared Bill No. 10 to become Ordinance # 2210.

City Official and Committee Reports:

City Clerk/City Administrator, Brittany Gillett stated the Board Strategic Goal Setting sessions were set for August 16 and 17. Ms. Gillett also stated the Director of Finance would be slowly making her way back to work this week.

Director of Finance, Susanna Messmer was absent.

Chief of Police, Stephen Dodge stated nothing to report.

City Attorney, Robert E. Jones stated nothing to report.

City Engineer, Bryson Baker stated nothing new to report.

Director of Parks & Recreation, Gerald Brown stated he met with resident Rich Stieren who graciously donated an additional \$800,000.00 for park improvements.

COMMITTEE REPORTS:

Finance Committee - Alderman Stewart stated nothing further report.

Economic Development Committee – Aldermen Price stated nothing further to report.

Parks & Recreation Commission – Alderman Wong stated there would be reduced hours for the pool starting August 23 and the lap pool would only be open from 4-7 pm. He stated August 14 is the Farmers Market at Minnie Ha Ha from 1-4 pm. He stated Sunday, August 15 was the ribbon cutting for the Watson Trail playground, August 20 was the band concert by the pool, and the Triathlon was on August 22 with 194 participants.

Police Advisory Board – Alderman Epperson stated nothing new to report.

Public Works Committee – Alderman Friedmann stated there were discussions on sidewalks, the PW salt dome retaining wall repairs and streaming options for meetings. Alderman Friedmann thanked staff for their hard work setting up the hybrid version of the current meeting.

New Business:

Bill No. 11- An Ordinance granting a Conditional Use Permit to Urban Air Sunset Hills LLC for an indoor amusement center and restaurant at 10990 Sunset Hills Plaza

FIRST READING

**Petitioner has requested a second reading*

Alderman Stewart read Bill No. 11 for a first reading. Alderman Stewart made a motion to suspend the rules and read Bill 11 for a second reading. Alderman Price seconded the motion.

ROLL CALL VOTE:

Vote: Passed/Failed (Summary Yes=8)

Alderman McMunn, Alderman Stewart, Alderman Wong, Alderman Lieber, Alderman Friedmann, Alderman Epperson, Alderman Price, Alderman Daves

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

ROLL CALL VOTE:

Vote: Passed/Failed (Summary Yes=8)

Alderman Epperson, Alderman Friedmann, Alderman Lieber, Alderman Wong, Alderman Stewart, Alderman McMunn, Alderman Price, Alderman Daves

Mayor Fribis declared Bill No .11 to become Ordinance # 2211.

Bill No. 12- An Ordinance approving a District Project Agreement among the City of Sunset Hills, The Shoppes at Sunset Hills Community Improvement District and Sunset Hills Owner LLC.

FIRST READING

Alderman Friedmann read Bill No. 12 for a first reading.

Mayor Fribis welcomed the developers up to make their presentation.

Mark Kornfeld with Sansone Group spoke on behalf of the landlord, Sansone and Goldman Sachs. Mr. Kornfeld formally announced their agreement to bring Bass Pro Shops into the City.

Mayor Fribis asked Mr. Kornfeld to explain what happened with the proposed grocer for the space.

Mr. Kornfeld explained there were numerous delays over the past two years with no agreement reached which ultimately provided the opportunity for them to have discussions with Bass Pro Shops.

Mr. Kornfeld stated that getting this retailer in during the existing retail climate was a “once in a 50-years” opportunity. He spoke on the ripple effect to the other businesses within a 10-mile radius as well as the tremendous sales tax generated. Mr. Kornfeld explained this was a use that would be here for a long time and stated they had a chance to do something very special to solidify the City as a shopping area, and also the south-central region for the next 50-60 years.

Mr. Kornfeld introduced Mr. Grant Mechlin to discuss the CID.

Mr. Grant Mechlin with Sansone group took the floor to discuss the CID. Mr. Mechlin explained they wanted to amend the development agreement with three things.

1. Amend so that grocer is replaced with retailer in the agreement
2. Adjust timing to help facilitate opening by the end of next year
3. Watson Road access to be addressed

Mr. Mechlin explained Bass Pro would be doing their own construction, however the majority of what they are building would be funded by the developer.

Mike Dunham, Bass Pro Shops Developer, and Kevin Maliszewski, Bass Pro Shops CFO, joined the meeting via Zoom. They both expressed their excitement about locating in Sunset Hills and thanked the Board for their consideration.

Alderman Epperson expressed his excitement about the store and asked about the Watson Road access. Mr. Mechlin stated he felt it was important to separate the two processes. He explained they took it out of the agreement because it was initially driven by the proposed grocer and their need for delivery truck access. He stressed they were never able to get an agreement with Midas ensuring the access from Watson Road, and wanted to remove it so it did not encumber the CID. Mr. Mechlin explained they still needed to address the Watson Road access but wanted it separated from the CID.

Alderman Epperson asked about the payoff of the CID. There was additional discussion in reference to the term of the CID. Sansone Attorney Chris Pieper explained the CID pay off scenario to the Board.

Alderman McMunn asked if the name "Bass Pro Shops" could be added to the CID instead of the name retailer. Mr. Mechlin confirmed he felt they could make that concession.

Alderman Friedmann asked about the CID petition being amended instead of the District Project Agreement. Mark Grimm of Gilmore & Bell, Special Counsel for the City, addressed why the CID Petition would not be amended. He explained the petition was broad enough to encompass the proposed amendments, and confirmed the District Project Agreement did have to be amended due to its specificity.

Alderman Wong asked under what circumstances the City would need an amended CID Petition. Mr. Grimm explained specific circumstances that would require a change to the CID Petition. Additional discussion was had on various scenarios that could potentially affect the CID Petition.

Alderman Daues asked Mr. Mechlin about the square footage of the project, Mr. Mechlin confirmed the agreement with Bass Pro Shops was for 74,000 SF. Additional discussion was had in reference to the access to Watson Road. Mr. Dunham expressed that the Watson Road access would be critical for alleviating back-ups and promoting a positive experience for residents and shoppers.

Additional discussion was had in reference to the lease agreement time frame as well as development costs and reimbursements, and cross access to Helen Fitzgerald's parking lot. Mr. Mechlin confirmed the access was required and would be paid for by the developer.

Bill No. 13- An Ordinance amending the Deer Control Policy and Hunting Regulations for the City of Sunset Hills
FIRST READING

Alderman Daues read Bill No. 13 for a first reading.

Bill No. 14- An ordinance amending the procedures for the second reading of a Bill at the same meeting
FIRST READING

Alderman Lieber read Bill No. 14 for a first reading.

Resolution No. 577- A Resolution approving a contract with MoDOT and authorizing the Mayor and/or the City Administrator to execute the same on behalf of the City of Sunset Hills

Alderman McMunn read Resolution No. 577

Alderman Epperson made a motion to approve Resolution No. 577. Alderman Stewart seconded the motion.

There was discussion on the agreement presented. Mr. Brown explained this contract was a standard agreement used for multiple jurisdictions and the City was not at any risk in the agreement. Mr. Brown stated

MODOT would not begin the bid process until there was money in the bank for the project. Alderman Wong asked if there was a down side to waiting for two weeks to review the contract. Mr. Brown stated there was not other than being delayed two weeks.

Resolution No. 577 was passed by majority vote, six to one.

Aye: Alderman Stewart, Alderman Lieber, Alderman Friedmann, Alderman Epperson, Alderman Price, Alderman Daues
Nay: Alderman Wong
Alderman McMunn was temporarily absent due to technical difficulties.

Resolution No. 578- A Resolution approving a contract with Pipe Solutions, LLC. and authorizing the Mayor and/or the City Administrator to execute the same on behalf of the City of Sunset Hills

Alderman Wong read Resolution No. 578.

Alderman Wong made a motion to approve Resolution No. 578. Alderman Daues seconded the motion and it was unanimously approved.

Alderman Daues requested that there be sufficient time to review contracts for approval before placing them on the agenda.

Resolution No. 579- A Resolution approving a Memorandum of Understanding with Flock Group and authorizing the Mayor and/or City Administrator to execute the same on behalf of the City of Sunset Hills

Alderman Epperson read Resolution No. 579

Alderman Epperson made a motion to approve Resolution No. 579.

Chief Dodge gave a brief explanation of the license plate reader cameras and how they work with our dispatch center. Alderman Epperson also explained how it was an opportunity for the City to observe this as a beta site, as well as a great tool for fighting crime.

Alderman Lieber seconded the motion and it was unanimously approved.

Appointments: None

Re-Appointments: None

Alderman Lieber asked about appointments to the Board of Adjustment. Mayor Fribis stated there were no appointments on the agenda. Alderman Lieber stated a resident inquired if there would be any additional appointments made to the Board of Adjustment. Mayor Fribis answered not at this meeting.

Water Tower Logo discussion:

Ms. Gillett explained MAWC emailed staff requesting a City logo in a vector format as they continue to work on their design of their water tower. Ms. Gillett stated staff informed the Board of the request, as previously directed, and the Board requested a discussion be placed on the agenda for this evening.

Alderman Epperson stated there was no reason not to send the logo over. He stated if the project moved forward, they would have what they needed and if it did not, there would not be an issue with them having the logo. Alderman Daues disagreed and stated this was the last thing they needed to do in the process. There was additional discussion on whether or not the logo should be sent over while the tower location was in debate.

Attorney Jones reminded the Board that the Conditional Use Permit they passed specifically required the City logo be included on the proposed water tower.

Alderman Lieber stated she felt the City should wait to send the logo until there is a clear direction on what is happening with it. She asked Attorney Jones to update the residents on what has happened with the proposed water tower.

Attorney Jones explained the City has refused to take any action with regard to zoning approval requested by MAWC. He stated at the Board's direction, that was communicated to the water company and he had not received any response and was not aware of any additional feedback at the time.

Alderman Friedmann reviewed the letter from MoDNR in reference to the water tower, submitted by Ms. Wiegl. She cited numerous concerns listed in the letter.

Alderman Friedmann made a motion to direct staff to not provide the logo to MAWC until further direction from the Board. Alderman Daues seconded the motion.

The motion passed 5 votes to 3.

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

Nay: Alderman Price, Alderman Stewart, Alderman Epperson

Mayor Fribis stated until further notice the City would not be providing the logo.

General Discussion:

Mayor Fribis stated this was a hybrid form of meeting that staff was able to put together. She explained the City policy is to have all the elected officials in person so residents can see them, and see their body language and facial expressions. Mayor Fribis explained this form of meeting was provided due to the current circumstances with Covid. She explained live streaming would be available next month and there had to be a decision on how to handle the next meeting.

Alderman Stewart stated he had been made aware of some discussions about residents building homes on stilts. He clarified the homes were not located along the river, but up near Tapawingo near creeks prone to flash flooding. He asked if anyone had been approached about this. Mr. Baker discussed a specific property known to flood that was required to either move, raise or demolish the existing home. He stated they chose to demolish it and that new construction would have to be a foot above base flood elevation with flow-through windows. He also explained he was not aware of anything in our code preventing that type of construction.

Attorney Jones stated he would need to review the International Residential Property Code since we had adopted it. There was additional discussion on what needed to be done to restrict this type of building.

Alderman Stewart made a motion to direct Attorney Jones to draft legislation restricting houses on stilts. Alderman Epperson seconded the motion.

Mr. Baker stated he felt there needed to be specifics outlined prior to making changes. Attorney Jones agreed and stated he wanted to review the code so that the City avoided any unintended consequences.

There was additional discussion on requirements for any proposed construction on the referenced property in the flood plain.

The motion passed with 7 votes and 1 abstention.

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

Alderman Price, Alderman Stewart, Alderman Epperson

Abstain: Alderman Wong

Alderman Lieber asked for an update on the Tidal Wave signage, and also what the plans were for the art work installation.

Mayor Fribis stated the artwork did not have to be approved and was currently in shipment.

Ms. Gillett stated it was supposed to be installed in mid-July, which we had clearly passed. Ms. Gillett stated she had reached out to the developer on both of those issues and would relay the information to the board as soon as she received a response.

Alderman Lieber made a motion to remove the July 13 open session minutes from the table and amend to include a specific question posed and the response received. Alderman Epperson seconded the motion and it was unanimously approved.

Alderman Lieber stated there was a resident who filed a sunshine request in reference to the proposed grocer and asked if it had been addressed. Ms. Gillett stated FOIA is meant for documentation and that she responded to the resident with the information she was able to.

Ms. Gillett asked to revisit the meeting formats. She asked the Board for direction on whether the members would be in person or if some would still be attending via Zoom.

Alderman McMunn stated she would prefer to keep the hybrid version of meetings until the pandemic was over.

Ms. Gillett asked the Board members who would be attending the Strategic Goal setting sessions in person on August 16 and 17.

Alderman Lieber stated she should be in person.

Alderman Wong stated he would be on Zoom.

Alderman Friedmann stated she would be on Zoom.

Alderman Daues stated he would be on Zoom.

Mayor Fribis thanked Mr. Searcy and Mr. Baker for setting up the hybrid version of the meeting.

Alderman Daues spoke on the newsletter. He provided the following guidelines.

1. Columns will alternate each month with the senior alderman from each ward selecting the even or odd months that he or she would like to write and the junior Alderman would take the balance
2. Content is to be strictly informational and not include any election news or opinion
3. The content is limited to 250 words or less per issue, per Alderman
4. The final auditor of content before going to print is the City Administrator
5. If any Alderman misses a deadline, it will revert back to the next time they would write
6. If an Alderman has nothing to report in a column, they should state that.

Alderman Friedmann thanked Alderman Daues for his work on this and he stated he would move forward with it.

Alderman Friedmann asked if there would be a Public Hearing for the UDO. Mr. Baker replied that yes there would be.

Alderman Friedmann made a motion to edit the notices sent out to residents. In bold print, the same font, "Please note this new zoning code contains major changes from our existing zoning ordinance pertaining to residential as well as commercial properties".

Alderman Daues seconded the motion.

Alderman Stewart asked if the statement was true. Mr. Baker confirmed that yes it was.

The motion passed unanimously.

Alderman Wong made a motion to continue to have hybrid in person/Zoom meetings for all public meetings in the future until the pandemic abates. Alderman Friedmann seconded the motion.

Alderman Epperson pointed out the system the staff was directed to set up for live streaming would require additional funds and changes since it was already ordered.

There was lengthy discussion on adapting the system to support the hybrid version for public meetings as well as putting the livestreaming subscription on hold until the pandemic was over.

The motion was unanimously passed.

Request to meet in closed session:

No closed session.

ADJOURNMENT:

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

Meeting adjourned at 9:00 p.m.

Deputy City Clerk
Lori Stone