

MINUTES OF THE REGULAR MEETING
OF THE BOARD OF ALDERMEN
OF THE CITY OF SUNSET HILLS MISSOURI
HELD ON OCTOBER 12, 2021

BE IT REMEMBERED that that the Board of Aldermen of the City of Sunset Hills, Missouri met in regular session via Zoom on Tuesday October 12, 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
Susanna Messmer	-Finance Director
Bryson Baker	-City Engineer
Gerald Brown	-Director of Parks & Recreation
Stephen Dodge	-Chief of Police
Robert E. Jones	-City Attorney

Absent :

APPROVAL OF THE AGENDA:

Alderman Price made a motion to approve the agenda as listed. Alderman Stewart seconded the motion and it was unanimously approved.

APPROVAL OF MINUTES:

Alderman McMunn made a motion to accept the minutes as read for the September 14, 2021 regular and closed session meetings, and the September 28, 2021 Board of Alderman and Finance Committee joint work session meeting. Alderman Lieber seconded the motion and it was unanimously approved.

PROCLAMATION:

Mayor Fribis read the Proclamation declaring October 20, 2021 as Howard Brandt Day in Sunset Hills.

CONSENT AGENDA:

a. Bills to be approved

Alderman Epperson made a motion to approve the consent agenda. Alderman Daues seconded the motion.

Alderman Daues asked for clarification on expenditures listed on the report and asked for additional detail on future reports. Alderman Price seconded the motion and it was unanimously approved.

Public Hearing: The Board will consider a petition for a Conditional Use Permit, submitted by Post Motorworks LLC, for a Vehicle Repair/Vehicle Service Facilities at 10340 (AKA 11025) Winter Industrial Drive.

Alderman Stewart read the public hearing. Heather and Matt Post were present and explained the nature of their business as a European import repair shop by appointment only.

Public Hearing: The Board will consider a petition for a Conditional Use Permit, submitted by Donut Palace, for a restaurant at 3751 S. Lindbergh Blvd.

Alderman McMunn read the public hearing.

Public Hearing: The Board will consider a petition for a Text Amendment, submitted by the City of Sunset Hills, adding subsection 5.24, prohibiting the elevation of structures utilizing Pier Construction in all Residential zoning districts.

Alderman Wong read the public hearing.

PUBLIC COMMENT:

Mayor Fribis read the public comments submitted.

1. Angie Wiegler of 9717 Crestwick Drive. Ms. Wiegler asked the City to send a letter to the Department of Natural Resources in reference to the proposed water tower.
2. Bill and Janice Craig of 9395 Caddyshack Circle. The Craigs stated they were in favor of the City taking over Tapawingo streets and asked for explanation on why the streets were previously denied.
3. Tim Strege of 4 Kahlia Way Ct. Mr. Strege stated he was in favor of the street take over and listed his reasons why.
4. Jeff Briesemeister of 12815 Sunset Glen Estates stated he was opposed to the pier text amendment and gave several examples of why he thought it should not pass.
5. Joe Mueller of 9431 Parklind Drive. Mr. Mueller stated his concerns with the proposed pier text amendment as well as the proposed water tower.

OLD BUSINESS:

**Bill No. 16- An Ordinance amending the exterior lighting regulations of the City of Sunset Hills
SECOND READING**

Alderman Lieber read Bill No. 16 for a second reading.
Alderman Epperson made a motion to approve Bill No. 16 with the proposed amendments.
Alderman Lieber seconded the motion.

ROLL CALL VOTE:

Vote: Passed/Failed (Summary **Yes=8**)

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

Mayor Fribis declared Bill No. 16 to become Ordinance # 2217.

CITY OFFICIAL AND COMMITTEE REPORTS:

City Clerk/City Administrator, Brittany Gillett stated the deadline for the November newsletter was coming up and asked the Alderman to submit their articles. She also informed the Board of the UDO work session on October 26.

Director of Finance, Susanna Messmer stated the Assistant Director of Finance, Jeff Trentmann, was making great progress and was working on mock ups for the financial reporting to present to the Board.

Chief of Police, Stephen Dodge stated Cops and Bobbers was a great event. He also reported on recent car break-ins and that it is an area problem.

City Attorney, Robert E. Jones stated he had litigation reports for closed session.

City Engineer, Bryson Baker stated they were continuing with the concrete slab replacement throughout the City as well as storm water maintenance, sidewalk repairs and an audit with SEMA.

Director of Parks & Recreation, Gerald Brown stated the annual Halloween event would be on October 23 at Minnie Ha Ha park.

COMMITTEE REPORTS:

Finance Committee Alderman Stewart stated nothing new to report.

Economic Development Committee – Aldermen Price stated they held a meeting on October 11 and discussed the new Bass Pro Shop. He explained they discussed hiring a consultant for the project.

Parks & Recreation Commission – Alderman Wong stated the Watson Trail playground was a success as well as the SunCrest Fest. He also stated the Parks and Recreation Commission approved a new pay scale in order to make the City more competitive and avoid continued staffing issues. He stated the next meeting would be October 27, 2021.

Police Advisory Board – Alderman Epperson stated their meeting was scheduled for October 19 and they would be finalizing the Prop P policies.

Public Works Committee – Alderman Friedmann stated they had a meeting on October 7 and that they would prefer to move forward with replacing the auditorium audio system in lieu of trying to upgrade the existing system. She stated they would like to see it go out for bid as soon as possible.

Ms. Gillett stated the City could put out an RFP which would take approximately 30 days and could be voted on at the January meeting as long as it was funded in the 2022 budget.

Alderman Friedmann and Alderman Wong stated they would like that to move forward, there was a general consensus from the Board to move forward with obtaining RFP's.

Alderman Friedmann stated there was discussion on ARPA funds being utilized for the sidewalk projects. She explained there were some Aldermen that did not want to use the funds for that.

Alderman Daues made a motion to prioritize Eddie and Park sidewalks over Leebur sidewalks. Alderman Friedmann seconded the motion and it was unanimously approved

Mayor Fribis stated she received an additional comment on the Leebur sidewalks that she would read under General Discussion.

Alderman Friedmann asked if they wanted to proceed with sending the survey out to residents on Eddie and Park in reference to the proposed sidewalks. Additional discussion was held in reference to what the survey should look like.

Alderman Price stated he felt a survey did not need to be done for Leebur residents at this time.

Alderman Lieber stated she sent a list of questions over to Ms. Gillett, and felt the residents needed to know what the options for the sidewalks were and where they would be placed. She expressed concern for the sidewalks being placed on the south side of Eddie and Park.

Ms. Gillett stated they were ready to send out the surveys and that they would draft something for the Board.

Alderman Epperson asked for clarification on the sidewalk survey for Leebur. Alderman Price explained it would go out in 2024 due to the change in priorities.

There was consensus of the Board to only include the north location of sidewalks on the survey for the Eddie and Park sidewalks.

NEW BUSINESS:

Bill No. 18- An Ordinance amending Appendix B, Section 5 to prohibit the elevation of primary structures in Residential zoning districts utilizing pier construction FIRST READING

Alderman Friedmann read Bill No. 18 for a first reading.

Alderman McMunn asked if this would affect homes that had below grade piling. Attorney Jones stated it would not.

Bill No. 20- An Ordinance accepting Pagada Parkway, Caddyshack Circle, and Marchem Circle for public maintenance FIRST READING

Alderman Epperson read Bill No. 20 for a first reading.

Bill No. 21- An Ordinance granting a Conditional Use Permit to Post Motorworks LLC for operation of a Vehicle Service Facility at 10340 (aka 11025) Winter Industrial Drive FIRST READING

Alderman Price read Bill No. 21 for a first reading.

Bill No. 22- An Ordinance granting a Conditional Use Permit to Donut Palace for operation of a restaurant at 3751 South Lindbergh Boulevard FIRST READING

Alderman Daues read Bill No. 22 for a first reading.

Bill No. 23- An Ordinance authorizing the City to enter into an agreement with MODOT to fund bicycle and pedestrian access on the approaches to the new I-44 bridges over the Meramec river FIRST READING

***Staff has requested a second reading**

Alderman Stewart read Bill No. 23 for a first reading.

Alderman Stewart made a motion to suspend the rules and read Bill 23 for a second reading.
Alderman Epperson seconded the motion.

Alderman McMunn asked if this had been approved by the Board already. Ms. Gillett explained yes it had been approved as a Resolution, however MODOT wanted it in Ordinance form, so it was exactly the same.

ROLL CALL VOTE:

Vote: Passed (Summary Yes=8)

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

Alderman Stewart read Bill No. 23 for a second reading.
Alderman Stewart made a motion to approve Bill No. 23.
Alderman Price seconded the motion.

ROLL CALL VOTE:

Vote: Passed/Failed (Summary Yes=8)

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

Mayor Fribis declared Bill No. 23 to become Ordinance # 2218.

Mayor Fribis announced that the attorney for Tapawingo had a presentation for the Board and that they would hear that once the bills had been read.

**Bill No. 24- An Ordinance amending provisions of Chapter 4 of the City Code of Ordinances regarding alcoholic beverages
FIRST READING**

Alderman McMunn read Bill No. 24 for a first reading.

Attorney Jones asked if the Board would consider a second reading in order to bring the Code consistent with State law.

Alderman Epperson made a motion to suspend the rules and read Bill 24 for a second reading.
Alderman Daues seconded the motion.

ROLL CALL VOTE:

Vote: Passed/Failed (Summary Yes=8)

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

Alderman McMunn read Bill No. 24 for a second reading.
Alderman McMunn made a motion to approve Bill No. 24.
Alderman Daues seconded the motion.

ROLL CALL VOTE:

Vote: Passed (Summary Yes=8)

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

Mayor Fribis declared Bill No. 24 to become Ordinance # 2219.

Mayor Fribis then stated the presentation for Tapawingo Streets could be given by Colleen Ruiz, Attorney for Tapawingo.

Robert Flynn trustee for Tapawingo introduced himself and identified two other members from the Tapawingo Board of Trustees.; Doug Mayer and Richard McCormick.

Attorney Colleen Ruiz gave her presentation to the Board in reference to taking over the streets within Tapawingo.

Mr. Neier and Mr. Hagan, residents of Tapawingo, addressed the Board with their concerns on the City taking over the streets.

Mr. Don Hagan of 13020 Sunny Dawn Court gave his statements on why he felt the Board should vote to take over the streets.

Mr. Doug Neier of 13037 Sunny Dawn Court gave his statements on why he felt the streets should be taken over.

The Mayor thanked everyone for their statements.

Alderman Wong asked to direct staff to draft a response to the applicant in reference to the material points made in the statements.

Ms. Gillett stated she and Mr. Baker would draft a response and send a memorandum to the Board.

Ms. Ruiz stated they had already received a response to everything with exception to the cost of street maintenance.

Mayor Fribis stated Ms. Gillett and Mr. Baker would draft a response to Ms. Ruiz and the Board.

Resolution No. 586- A Resolution amending the City of Sunset Hills Personnel Policy Manual

Alderman Wong read Resolution No. 586

Alderman Wong made a motion to approve Resolution No. 586.

Alderman Epperson seconded the motion and it was unanimously approved.

Resolution No. 587- A Resolution declaring surplus property and authorizing the sale of such property

Alderman Lieber read Resolution No. 587

Alderman McMunn asked about the old speed trailer and if the City could keep it and use it as a deterrent. Chief Dodge explained the current trailer was 23 years old and in shoddy condition. He stated they could keep it if the Board desired but would like to see how the new trailer worked out and possibly put an additional trailer in the budget if the Board wished.

Alderman Price made a motion to approve Resolution No. 587.

Alderman Stewart seconded the motion and it was unanimously approved.

Resolution No. 588- A Resolution approving an amendment of the 2021 City of Sunset Hills budget

Alderman Friedmann read Resolution No. 588

Alderman Epperson made a motion to approve Resolution No. 588.

Alderman Daues seconded the motion and it was unanimously approved.

APPOINTMENTS:

None

RE-APPOINTMENTS:

None

GENERAL DISCUSSION:

Mayor Fribis read a comment submitted by resident Nathan Lipe of 10735 Burrow drive. He asked for sidewalk consideration for his neighborhood and referenced the petition he submitted. He stated the road was very busy and had become a cut through street. He explained it was a serious safety concern for the families on the street with children.

Mayor Fribis asked if there were any topics for general discussion.

Alderman Daves stated he would like to see Public Works make initial plans for adding piping and wiring for EV charging when any parking lots were redone. He explained he would like to see the basic infrastructure put in before any overlays were finalized. He also stated he would like to see an Ordinance requiring builders of new single and multi-family dwellings include basic infrastructure in the garages to accommodate EV charging.

Mayor Fribis stated she felt that was a good idea and that there were many incentives available for doing this that needed to be looked into. She asked Mr. Baker to look into the incentives with Ameren before any Ordinance was drafted.

Alderman Lieber asked if there was a way to do an annual residency check on all the committee members.

Ms. Gillett stated that would not be a problem and that she would create an internal policy to double check the members status.

Alderman Epperson made a motion to update all committee and board ordinances to include the word "resident" for membership. There was discussion on adding the requirement when there are some committees that required non-resident members.

Attorney Jones stated he could update the ordinances for the committees and boards where the term "resident" was applicable.

Mayor Fribis asked if there was any additional topics for discussion.

Alderman Friedmann made a motion to direct the City Administrator to send a letter to Maher Jafari of the MO Department of Natural Resources to clarify the record before them. She explained the letter would state "with regard to MAWC's July 20, 2021 submittal for the Sunset elevated water tank; Please be advised that the City of Sunset Hills has not approved the building permit for the tank. The BOA at the June 22,2021 meeting directed that the permit not be approved since the tank does not meet the city setback requirements. A copy of the minutes of that meeting are attached. Additionally, with regard to the MAWC Sunset elevated tank height exhibit, please be advised that there is no right of way as shown on the map. Ownership of that 30' x 700' strip of property is unknown".

Atty Jones explained as the Board may know, the City does not issue building permits, and that instead staff was directed to deny the zoning review and authorization that leads to the acquisition of the permit.

Attorney Jones asked about the status of the right of way. Mr. Baker stated based on the information he had it appeared to be City ROW, however that was not confirmed.

There was additional discussion of confirming definitively who owned the right of way.

Attorney Jones stated he could do the research with the Assessor's office to determine the ownership.

There was additional discussion in reference to paper streets and the residents use of them. Mr. Baker explained paper streets were streets that appeared on maps but had not been built yet. He stated the City allowed use of these areas by residents as it had not caused a problem in the past.

Alderman Friedmann stated she would like to amend the verbiage to state the City had not issued a Zoning Approval.

Alderman Daues seconded the motion.

Mayor Fribis asked Mr. Jones for his legal opinion. Attorney Jones stated the letter should leave the term "permit" out.

Alderman McMunn asked that the ownership be confirmed.

Mayor Fribis stated Attorney Jones would be researching the ownership. Ms. Gillett asked Attorney Jones if there were any legal concerns with the City getting involved in the MDNR review process. Attorney Jones stated we could not enforce the MDNR regulations, but could take a position. Alderman Friedmann stated the letter was to clarify the record.

The motion to draft a letter to the MDNR was unanimously approved.

Alderman McMunn asked if there needed to be a motion for more detailed expense reporting. Ms. Gillett stated the Assistant Finance Director was working on various reports to present to the Board. Alderman Wong asked for mock ups at the next meeting. Ms. Messmer stated they would have some examples at the next meeting.

REQUEST TO MEET IN CLOSED SESSION PURSUANT TO 610.21 (1), (2), (3) and (12) RSMo TO DISCUSS LEGAL, REAL ESTATE, PERSONNEL, AND CONTRACT MATTERS:

Alderman Daues made a motion to go into closed session. Alderman Stewart seconded the motion.

ROLL CALL VOTE:

Vote: Passed/Failed (Summary Yes= 7)

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

Left meeting temporarily: Alderman Price

The Board went into closed session at 8:01 p.m.

The Board reconvened in open session at 10:53 p.m.

ADJOURNMENT:

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

Meeting adjourned at 10:53 p.m.

Deputy City Clerk
Lori Stone