

MINUTES OF THE REGULAR MEETING
OF THE BOARD OF ALDERMEN
OF THE CITY OF SUNSET HILLS MISSOURI
HELD ON DECEMBER 14, 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 December 14, 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
Jim Hetlage	-City Attorney

Absent :

APPROVAL OF THE AGENDA:

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

APPROVAL OF MINUTES:

Alderman McMunn made a motion to accept the minutes as read for the November 9, 2021 regular meeting and the November 22 special and closed session meetings. Alderman Daues seconded the motion and it was unanimously approved.

CONSENT AGENDA:

- a. Bills to be approved
- b. Request by Black Titan Holdings dba Fuddruckers, for a full liquor license at 10752 Sunset Hills Plaza
- c. Request by Alta Convenience for a package liquor license with Sunday sales at 1430 South Kirkwood Road-
Withdrawn by Petitioner

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

PUBLIC HEARING:

Public Hearing: The Board will consider a petition for a Change of Zoning from R-1 Single Family Residential - 1-acre minimum lot size to R-2 Single Family Residential - 20,000 Square foot minimum lot size submitted by Whalen Custom Homes for a Single-Family Residential Development at 13270 Maple Drive.

Public Hearing: The Board will consider a petition for a Change of Zoning from R-2 Single Family Residential - 20,000 Square foot minimum lot size to PD-R Planned Development - Residential submitted by Whalen Custom Homes for a Single-Family Residential Development at 13270 Maple Drive.

Public Hearing: The Board will consider a petition for a Preliminary Development Plan submitted by Whalen Custom Homes for a Single-Family Residential Development at 13270 Maple Drive.

Mr. Mike Whalen spoke on the proposed development. He explained that P&Z recommended the development for approval. He stated he was able to answer and address any concerns brought up during the meeting as well as answer numerous phone calls and emails. Mr. Whalen explained the reasons for the re-zoning request. He explained R-1 was not only for residential, but also for schools, government service building etc. He then explained why he felt their proposal fit perfectly into the community. He explained the development was designed to the most stringent storm water codes.

Alderman McMunn told Mr. Whalen they would like to meet with concerned residents. Mr. Whalen stated he would like that and would have to get permission from the property owner to meet on the actual property.

Alderman McMunn asked where the driveway on Lot 11 would be exiting. Mr. Whalen explained one would be off the new street, the other would-be off Maple Drive. Alderman McMunn then asked what type of retaining walls would be used and if they would be similar to the other walls. Mr. Whalen stated the retaining walls may not be necessary but are used for the purpose of protecting the tree buffer.

Alderman McMunn asked who would pay for and maintain the carriage house? Mr. Whalen answered it would solely be on the development as well as the new home owners. He stated the plan would be to take it down to the studs and assess the best-case scenario for the building. He stated it could also be an open-air pavilion structure.

Alderman Stewart asked about water runoff and that residents would be glad to have a solution to the storm water issues. He stated he would like to work with Alderman McMunn to hold a town hall meeting to address any concerns. Mr. Whalen expressed they would work to accomplish whatever was needed.

Alderman Daues asked Mr. Whalen about the storm-water issue. He asked if the existing development could handle the new run off from the new homes. Mr. Whalen answered it could. There was lengthy discussion on the placement of the homes on lots 1-4, as well as retaining wall removal.

Mr. Whalen stated he didn't feel a blanket restriction on retaining walls was equitable for potential home-buyers or the development.

Alderman Friedmann stated the residents would like to try to make something work. She asked Mr. Whalen if he had spoken to the HOA trustees. Mr. Whalen stated he had spoken with someone but was in the premature stages. Mr. Whalen outlined what needed to happen if the project was approved.

PUBLIC COMMENT:

Resident Rich Gau of 13019 of Tapawingo Place and P&Z commented on speaking with Mr. Whalen. He stated the residents would like to see a development but would like to see it under existing zoning.

Mayor Fribis and Ms. Gillett read the public comments;

1. Gary Vincent of 9456 Sunny Creek Lane against re-zoning as stated in recent Udo review.
2. John and Gina Stephens of 7 Khalia Way- welcome the new development, but against the re-zoning per recent UDO restrictions of Planned Developments in R-1 zoning.
3. Tom & Sue Cox of 13044 Sunny Dawn Court-against the development.
4. Dan Gibson of 9322 Caddyshack Circle -against development.
5. Pat and Sharon Lawson of 13163 Gary Player Drive- for the development.
6. Alexandra and Adam Castellano-for the development.
7. Charlotte Sorum of 13011 Tapawingo Place- Against re-zoning for development.
8. Jason Arnold of 13367 Maple Drive- Against re-zoning for development.
9. Kelsey Snell of 8839 Woodfox- for the development.

OLD BUSINESS:

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

Alderman Stewart read Bill No. 20 for a second reading.

Alderman Daues asked for the position of the P&Z commission. Mr. Baker explained P&Z recommended denial of the petition. Alderman Friedmann asked what they Mayor felt about the situation. Mayor Fribis stated there was hesitation in taking on the streets with the condition of the streets unknown.

Alderman Price made a motion to approve Bill No. 20.
Alderman Stewart seconded the motion.

ROLL CALL VOTE:

Vote: **Failed** (Summary Yes=3, **No=5**)

Yes: Alderman McMunn, Alderman Stewart, Alderman Wong

No: Alderman Lieber, Alderman Friedmann, Alderman Epperson, Alderman Price, Alderman Daues

Motion Failed.

**Bill No. 27- An Ordinance adopting the 2022-2026 Capital improvements Plan
SECOND READING**

Alderman McMunn read Bill No. 27 for a second reading.
Alderman Price made a motion to approve Bill No. 27.
Alderman Stewart seconded the motion.

ROLL CALL VOTE:

Vote: **Passed** (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 .27 to become Ordinance # 2225

Bill No. 28- An Ordinance approving and adopting an Operations Budget of anticipated cash revenue and cash disbursements for the General Revenue Fund of the City of Sunset Hills, St. Louis County, Missouri, for the fiscal year commencing January 1, 2022, and ending December 31, 2022, providing for expenditures in accordance with said budget and making appropriations thereof
SECOND READING

Alderman Lieber read Bill No. 28 for a second reading.
Alderman Lieber made a motion to approve Bill No. 28.
Alderman Daues seconded the motion.

ROLL CALL VOTE:

Vote: **Passed** (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. 28 to become Ordinance # 2226

CITY OFFICIAL AND COMMITTEE REPORTS:

City Clerk/City Administrator, Brittany Gillett stated they received the AV bid and are reviewing it so they can provide to the Board in January. Ms. Gillett also stated the Holiday party was Friday and that newsletter articles from the Alderman were also due Friday.

Director of Finance, Susanna Messmer stated they were at the fiscal year end, are doing the fixed asset review and are preparing for the final payroll of the year as well as transitioning staff to PW.

Chief of Police, Stephen Dodge stated they have preliminary approval of the Communication Grant and are awaiting final approval from the St. Louis County Council. Chief also extended his sincere thanks for all the support for our loss of Officer Christy Meier.

City Attorney, Jim Hetlage stated nothing to report.

City Engineer, Bryson Baker stated they received the traffic study from Bass Pro and should have comments back from MoDOT by December 20. Mr. Baker also stated Tidal Wave was granted occupancy after completing the final requirements. He explained staff had been working with Ameren on future electric vehicle charging stations. There was additional discussion on Eddie and Park sidewalks.

Alderman Wong made a motion to pursue a contract for sidewalks on Eddie & Park.

Mayor Fribis stated she had contacted Lindbergh School District for input on the sidewalk project. Alderman Lieber seconded the motion and it was unanimously approved.

Alderman Lieber asked about the lighting at the comfort Suites. Mr. Baker explained the lighting engineer report showed deficiencies in several areas.

Alderman Lieber made a motion to approve temporary occupancy.
Alderman Price seconded the motion.

Discussion ensued.

Alderman Lieber recommended they give the developer 6 months to rectify the lighting issue plus temporary occupancy.

Alderman Lieber made a motion for the Comfort Suites to open.

Alderman Daues seconded the motion.

Attorney Hetlage stated the original motions should be withdrawn and re-stated.

Alderman Daues retracted his second to Alderman Lieber's original motion.

Alderman Lieber retracted her original motion.

Alderman Price called a Point of order and withdrew his second to the motion also.

Discussion ensued in reference to how to proceed with the Comfort Suites. Hr Sheevam joined the call and stated he would get Ameren on the project and will deliver a check in the morning.

Attorney Hetlage stated he and Mr. Baker would work on the agreement.

Alderman Lieber made a motion to issue a temporary Occupancy Permit to the Comfort Suites hotel with the stipulations that MSD requirements and lighting are to be completed within a 2-year calendar period and a \$5,000.00 deposit shall be delivered to City Hall for construction.

Alderman Stewart seconded the motion and it was unanimously approved.

Director of Parks & Recreation, Gerald Brown stated the Bander property was brush hogged, they received approval for water lines and hoped to have lines tapped by the following week.

Alderman Friedmann asked about the bridge replacement. Mr. Brown stated he received a bid for replacing one of the bridges. He explained the bid was \$33,000 for a 6' wide metal bridge replacement.

COMMITTEE REPORTS:

Finance Committee - Alderman Stewart stated nothing to report.

Economic Development Committee – Aldermen Price stated nothing to report.

Parks & Recreation Commission – Alderman Wong stated they were having photos with Santa, letters with Santa, and the lighting contest.

Police Advisory Board – Alderman Epperson stated nothing to report.

Public Works Committee – Alderman Friedmann thanked the PW and Parks departments for the Christmas decorations. She stated the Committee discussed design issues with phase 1 and that an application for phase 2 was due February 10.

NEW BUSINESS:

Bill No. 29- An Ordinance of the City of Sunset Hills, Missouri providing for the rezoning of 10.41 acres, more or less, from R-1 Single Family Residential to R-2 Single Family Residential located at 13270 Maple Drive, Sunset Hills, Missouri, owned by ABM Holdings, LLC and matters related thereto, as per application p-21-21

FIRST READING

Alderman Wong read Bill No. 29 for a first reading.

Alderman Daues made a motion to table Bill 29, 30 and 31 until the February meeting. Alderman McMunn seconded the motion and it was unanimously approved.

Bill No. 30 – Tabled

Bill No. 31- Tabled

**Bill No. 32- An Ordinance amending Section 19-1 and adopting new section 19-8 of Chapter 19 of the Code of Ordinances of the City of Sunset Hills with respect to rules and regulations for City Parks
FIRST READING**

Alderman Price read Bill No. 32 for a first reading.

Mr. Brown explained the amendments were suggested as an enhancement to the regulations. He stated the Park Board and staff recommended it for approval.

Alderman Epperson made a motion to suspend the rules and read Bill 32 for a second reading.
Alderman Lieber 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

Alderman Price read Bill No. 32 for a second reading.
Alderman Price made a motion to approve Bill No. 32.
Alderman McMunn 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. 32 to become Ordinance # 2227.

**Bill No. 33- An Ordinance authorizing the Mayor and/or City Administrator of the City of Sunset Hills, Missouri, to execute the Municipal Housing and Community Development Supplemental Cooperation Agreement of 2021
FIRST READING**

FIRST READING

*** Staff has requested a second reading**

Alderman Daues read Bill No. 33 for a first reading.

Alderman Epperson made a motion to suspend the rules and read Bill 33 for a second reading.
Alderman McMunn 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

Alderman Daues read Bill No. 33 for a second reading.
Alderman McMunn made a motion to approve Bill No. 33.
Alderman Epperson seconded the motion.

Mayor Fribis declared Bill No. 33 to become Ordinance # 2228.

**Bill No. 34- An Ordinance amending Section 2-10 of Chapter 2 of the Code of Ordinances of the City of Sunset Hills with respect to the City's Investment Policy
FIRST READING**

Alderman Stewart read Bill No. 34 for a first reading.

Alderman Epperson made a motion to suspend the rules and read Bill 34 for a second reading.
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

Alderman Stewart read Bill No. 34 for a second reading.
Alderman Stewart made a motion to approve Bill No. 34.
Alderman Lieber 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. 34 to become Ordinance # 2229.

Resolution No. 590- A Resolution approving the construction and installation of restroom project at 13555 West Watson Road and authorizing the Mayor and/or City Administrator to execute the same on behalf of the City of Sunset Hills

Alderman McMunn read Resolution No. 590
Alderman McMunn made a motion to approve Resolution No. 590.
Alderman Stewart seconded the motion and it was unanimously approved.

Mr. Brown explained what a waterless green toilet was.

Resolution No. 591- A Resolution approving a contract with American Eagle Waste Industries LLC and authorizing the Mayor and/or City Administrator to execute the same on behalf of the City of Sunset Hills

Alderman Lieber read Resolution No. 591
Alderman Lieber made a motion to approve Resolution No. 591.
Alderman Daues seconded the motion and it was unanimously approved.

Resolution No. 592- A Resolution approving a Fund Balance Policy for the General Fund and all Special Funds on behalf of the City of Sunset Hills

Alderman Wong read Resolution No. 592
Alderman Price made a motion to approve Resolution No. 592.
Alderman Lieber seconded the motion and it was unanimously approved.

Resolution No. 593- A Resolution contract with J.W. Terrill, Travelers Insurance, The Hartford, and Chubb Insurance 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. 593
Alderman Epperson made a motion to approve Resolution No. 593.

Ms. Dunphy with JW Terrill explained they went out to market this year and that options were not as broad but they were able to negotiate the presented premiums.

Alderman Daues seconded the motion and it was unanimously approved.

APPOINTMENTS:

Parks & Recreation Commission- Natalie Akins- At large, term to expire 12/14/2024

Alderman Epperson motion to direct staff to add requirement of property ownership to member requirements. Alderman Daues stated renters are also residents. Alderman Price asked what other cities did and to please look into it before making a decision.

Appointment was unanimously continued to next month.

P&Z COMPOSITION DISCUSSION:

Lengthy discussion was had on the appointment of an Alderman or the Mayor to P&Z.

Alderman Epperson asked Mr. Baker to poll P&Z to find out how they felt about elected officials serving on the commission.

GENERAL DISCUSSION:

Mayor Fribis asked the Board if they were interested in passing an ordinance similar to Eureka's newly passed legislation. The ordinance would make it illegal to flip handles on a car that did not belong to the person flipping it.

Chief Dodge explained it would be a helpful too with car break-ins.

Alderman Price made a motion to direct Attorney Hetlage to draft legislation for the next Board meeting. Alderman Daues seconded the motion and it was unanimously approved.

Alderman Epperson made a motion to resume live meetings in January.

There was lengthy discussion on the pros and cons of having Zoom meetings and live-hybrid version meetings.

Alderman Epperson re-stated his motion to return to live Board meetings with a hybrid version available for those wishing to join from home.

Alderman Price seconded the motion and it was unanimously approved.

Alderman Lieber asked Ms. Gillett to look into how the City of Arnold held their meetings. Ms. Gillett stated she would look into it.

Alderman Friedmann made a motion to direct staff to advise Aldermen of any proposed Commercial project or development, or proposed rezoning, such as subdivisions or planned developments in respective wards, immediately upon learning of such proposals. This will allow Alderman to attend concept plan meetings, including but not limited to those set forth in Appendix A for subdivisions or Appendix B section 4.10 for planned developments and also that staff shall advise and copy Alderman upon receipt of an application for Conditional Use Permit.

Alderman Epperson seconded the motion and it was unanimously approved.

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 Lieber made a motion to go into closed session. 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

The Board went into closed session at 9:50 p.m.

The Board reconvened in open session at 10:20 p.m.

ADJOURNMENT:

Alderman Daues made a motion to adjourn the meeting. Alderman McMunn seconded the motion and it was unanimously approved.

Meeting adjourned at 10:20 p.m.

Deputy City Clerk
Lori Stone