

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF ALDERMEN  
OF THE CITY OF SUNSET HILLS MISSOURI  
HELD ON MARCH 8, 2022

BE IT REMEMBERED that that the Board of Aldermen of the City of Sunset Hills, Missouri met in regular session via Zoom on Tuesday March 8, 2022. The meeting convened at 6:01 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
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: Thompson Price -Alderman Ward IV

**APPROVAL OF THE AGENDA:**

Alderman Daues made a motion to approve the agenda. There was discussion on whether or not the Whalen items were postponed. Attorney Hetlage explained the items would have to be approved for postponement in order for them to be removed from the agenda.

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

**APPROVAL OF MINUTES:**

Alderman McMunn made a motion to accept the minutes as read for the February 8, 2022 regular and closed session meetings, the February 22, 2022 special work session meeting, and the March 1, 2022 special meeting. Alderman Daues seconded the motion and it was unanimously approved.

**PROCLAMATION:**

Mayor Fribis read the proclamations for Developmental Disabilities Awareness Month and the Proclamation showing support for the Nation of Ukraine.

**LETTER OF COMMENDATION:**

Mayor Fribis read the letter of Commendation from Councilman Fitch thanking the Police Department for their hard work and fast response in protecting their community.

**Consent Agenda:**

- a) Bills to be approved.
- b) Request for Special Event Permit by Home Depot for annual outdoor storage of trees and bushes.
- c) Request for Special Event Permit by Memories Car Club for their annual car cruises the first Friday of each month, April through October at Faith Church 13001 Gravois Road.
- d) Request by Swank Motion Pictures for company luncheons on April 11, 2022 and April 25, 2022.

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 Conditional Use Permit, submitted by Rachel Carr, for a restaurant at 3860 (AKA 3872) South Lindbergh Boulevard, Suite 105.

Mr. Baker gave a quick summary on Plant Craft Kitchen restaurant. He explained it was a vegan restaurant going into the old Jimmy John's space.

**Public Comment:**

Mayor Fribis read a comment submitted by the Manors at Tapawingo HOA. Mr. Whalen stated he felt that was agreeable and would like a comprehensive agreement not just the letter. He would like the chance to sit down and make sure everything was included.

John Stephens of 7 Kahlia Way Court stated he was concerned with the possible postponement of second reading and then the decision to move forward with the second reading.

Mr. Whalen addressed the concerns Mr. Stephens had. He stated he asked for the postponement once he was informed Alderman Price was unable to attend the meeting this evening, however he stated wanted to move forward anyway.

Lengthy discussion ensued on whether or not to go ahead with the second. It was explained that the reading was for a Preliminary Dev. Plan and there was plenty of time to address additional items in the Final Development Plan.

Mr. Whalen stated he felt the bill was ready to be voted on.

Mr. Cox spoke on the use of Maple Drive and that he did not feel it should be voted on until items were taken care of.

Mr. Stephens spoke on restricting construction hours to Monday through Friday only.

Alderman McMunn made a motion to table the items until March 22, 2022. Alderman Stewart stated he disagreed and voted against tabling the items.

Mr. Whalen stated he respectfully requested the bills be read. He asked they be voted on for their merits. He asked for a yes or no vote and no more postponements.

Alderman Daues explained construction hours limited to week days only was not a viable option for the developer.

Mr. Stephens spoke again on the construction noise being limited to the week days.

Mr. Whalen addressed his concern and stated the City had laws in place to regulate the hours of construction.

Alderman McMunn asked if it was normal to notify the petitioner there would not be a full Board present at meeting. Ms. Gillett stated yes that was common protocol. Mr. Baker re-iterated that petitioners are notified when there is not a full board as a courtesy.

### **Old 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**

#### **SECOND READING**

***\* Petitioner has requested postponement***

Alderman Stewart read Bill No. 29 for a second reading.

Alderman Epperson made a motion to approve Bill No. 29.  
Alderman Daues seconded the motion.

#### **ROLL CALL VOTE:**

Vote: **Passed** (Summary Yes=6, No =1)

Aye: Alderman McMunn, Alderman Stewart, Alderman Wong, Alderman Lieber, Alderman Epperson, Alderman Daues

Nay: Alderman Friedmann,

Absent: Alderman Price

Mayor Fribis declared Bill No. 29 to become Ordinance # 2234.

**Bill No. 30 - An Ordinance of the City of Sunset Hills, Missouri providing for the rezoning of 10.41 acres, more or less, from R-2 Single Family Residential to PD-R Planned Development-Residential located at 13270 Maple Drive, Sunset Hills, Missouri, owned by ABM Holdings, LLC and matters related thereto, as per application p-22-21**

#### **SECOND READING**

***\* Petitioner has requested postponement***

Alderman McMunn read Bill No. 30 for a second reading.

Alderman Stewart made a motion to approve Bill No. 30.  
Alderman Epperson seconded the motion.

ROLL CALL VOTE:

Vote: **Passed** (Summary Yes=6, No =1)

Aye: Alderman McMunn, Alderman Stewart, Alderman Wong, Alderman Lieber, Alderman Epperson, Alderman Daues

Nay: Alderman Friedmann

Absent: Alderman Price

Mayor Fribis declared Bill No. 30 to become Ordinance # 2235.

**Bill No. 31- An Ordinance of the City of Sunset Hills, Missouri providing for the approval of a Preliminary Development Plan for 10.41 acres, more or less, located at 13270 Maple Drive, Sunset Hills, Missouri, owned by ABM Holdings, LLC and matters related thereto, as per application p-23-21**

**SECOND READING**

***\* Petitioner has requested postponement***

Alderman Lieber read Bill No. 31 for a second reading.

Alderman Epperson made a motion to approve Bill No. 31.

Alderman Daues seconded the motion.

ROLL CALL VOTE:

Vote: **Passed** (Summary Yes=6, No =1)

Aye: Alderman McMunn, Alderman Stewart, Alderman Wong, Alderman Lieber, Alderman Epperson, Alderman Daues

Nay: Alderman Friedmann

Absent: Alderman Price

Mayor Fribis declared Bill No. 31 to become Ordinance # 2236.

**Bill No. 37- An Ordinance of the City of Sunset Hills, Missouri, providing for the Minor Subdivision of property owned by George and Diane Winter consisting of 6.0 acres, more or less, located at 10332 Winter Estates Drive, Sunset Hills, Missouri, into two residential lots and matters related thereto, as per application P-01-22**

**SECOND READING**

***\* Petitioner has requested postponement***

Alderman Stewart made a motion to approve the postponement request. Alderman Lieber seconded the motion and it was unanimously approved.

Bill No. 37 was postponed.

**Bill No. 39 – An Ordinance of the City of Sunset Hills, Missouri, providing for the approval of an Amended Development Plan for a parcel of property containing 8.51 acres, more or less, located at 3600 South Lindbergh Boulevard, Sunset Hills, Missouri, owned by Sunset Hills Owner LLC and matters related thereto, as per application P-03-22  
SECOND READING**

Alderman Wong read Bill No. 39 for a second reading.

Alderman Wong asked Mr. Mechlin about the timeline for the project.

Mr. Mechlin explained as soon as they got approval they would start on construction; the goal is to be open by November. As far as MoDOT timeline for ingress, there would be surveys, traffic studies and plan approval within 4-5 months. He stated they have given themselves 9 months to obtain Watson Road access.

Ms. Gillett explained several members of the Board asked for a change to the verbiage in the ordinance. The ordinance was changed to point to the site plan and reads “the area outlined showing Watson Road access shall be required unless MoDOT does not approve such access”.

Alderman Epperson asked Alderman Friedmann if that satisfied her request. She replied yes but there still was one more change. She wanted to amend condition K to delete the words “use all reasonable efforts to establish” so that condition K would read “Watson Road Access: applicants shall construct the Watson Road ingress in substantial compliance with what is depicted on the site plan”.

Ms. Gillett stated that had been updated in the ordinance and referenced the 3/8/22 site plan. Alderman Friedmann asked Mr. Mechlin if that language was agreeable to Sansone. Mr. Mechlin asked for clarification on what was being proposed in comparison to what was amended late in the day.

Ms. Gillett stated the amendment that was made referenced the date of the site plan. She explained the new motion Alderman Friedmann was making struck the words “shall use all reasonable efforts to establish”. It removes the reasonable efforts portion and requires access to Watson Road.

Alderman Wong stated he felt the verbiage that stated the City would complete the access if the applicant did not, should be removed.

Lengthy discussion ensued on amending the ordinance.

Alderman Wong revisited the verbiage he felt should be removed.

Mr. Mechlin explained that the verbiage was not meant to be an option for them but a means to have the access completed in the event they were unable to.

Alderman Wong stated he wanted to add the verbiage “If MoDOT gives final approval” in front of condition K.

Lengthy discussion was had on the verbiage in the ordinance and the additional requirements for the escrow verbiage.

Alderman Wong made a motion to Amend Bill No. 39 to incorporate Alderman Friedmann’s suggestions as well as changing the escrow term from two years to three.

Attorney Hetlage asked for clarification on the language.

Alderman Friedmann re-read the language as “Watson Road Access: applicants shall use all reasonable efforts to establish and construct the Watson Road ingress in substantial compliance with what is depicted on the site

plan dated 3.8.2022". She stated the rest stayed as is with the exception of changing the escrow obligation from 2 years to three years in the bullet point.

Mr. Mechlin asked for confirmation that the only thing changing was the escrow length increasing from 2 years to 3 years.

Attorney Hetlage stated the re-stated the amendment verbiage to be approved as "motion to approve the ordinance as presented with an amendment to change the last bullet point of condition K to a 3- year escrow instead of a 2- year escrow.

Alderman Wong made a motion to approved the ordinance amendment as read by Attorney Hetlage.

Alderman Epperson seconded the motion.

ROLL CALL VOTE:

Vote: **Passed** (Summary Yes=7)

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

Absent: Alderman Price

Mayor Fribis declared Bill No. 39 to become Ordinance # 2237.

Mayor Fribis welcomed Bass Pro Shops to the City and thanked everyone involved with the project.

**Bill No. 40- An Ordinance amending Section 17-17 of Chapter 17 of the Code of Ordinances of the City of Sunset Hills with respect to tampering with motor vehicles**  
**SECOND READING**

Alderman Epperson read Bill No. 40 for a second reading.

Alderman Epperson made a motion to approve Bill No. 40.

Alderman Stewart seconded the motion.

ROLL CALL VOTE:

Vote: **Passed** (Summary **Yes**=7)

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

Absent: Alderman Price

Mayor Fribis declared Bill No. 40 to become Ordinance # 2238.

**CITY OFFICIAL AND COMMITTEE REPORTS:**

City Clerk/City Administrator, Brittany Gillett welcomed Bass Pro Shops to Sunset Hills and reminded the Board there was a tentative meeting scheduled for March 22 and that the Board would be updated on any changes.

Director of Finance, Susanna Messmer stated that they were continuing to close the 2021 books, preparing the Financial statements and that the 2021 Budget Amendments would be presented to the Finance Committee on March 10<sup>th</sup>.

Chief of Police, Stephen Dodge thanked the Board for passing the vehicle tampering ordinance and stated it would give them an additional tool to deal with the problem they have been dealing with.

City Attorney, Jim Hetlage stated nothing to report.

City Engineer, Bryson Baker stated there were a couple of snows since the last meeting and that staff had been continually filling pot holes trying to keep up with them. He explained staff had been evaluating the street system and would present a report on the state of it, as well as future needs based on those reports.

Director of Parks & Recreation, Gerald Brown stated the driving range was open for business and day camp was 100% completed. He explained pool memberships were accumulating, but they were in dire need of staff in all areas.

#### **COMMITTEE REPORTS:**

Finance Committee -Alderman Stewart stated nothing to report.

Economic Development Committee – Aldermen Price was absent.

Parks & Recreation Commission – Alderman Wong stated the Parks Board met and discussed the preliminary playground plans for Lynnstone Park. He also thanked Mr. Brown for looking into other Cities tree manuals to find the best fit for Sunset Hills.

Police Advisory Board – Alderman Epperson stated there were two Resolutions on the agenda for the evening dealing with lights and sirens and also new uniforms.

Public Works Committee – Alderman Friedmann stated nothing to report.

#### **New Business:**

**Bill No. 42- An Ordinance granting a Conditional Use Permit to Rachel Carr for operation of a restaurant at 3860 South Lindbergh Boulevard Suite 105, Sunset Hills Missouri, as per application P-04-22**

#### **FIRST READING**

**\* Petitioner has requested a second reading**

Alderman Friedmann read Bill No. 42 for a first reading.

Alderman McMunn made a motion to suspend the rules and read Bill 42 for a second reading.  
Alderman Epperson seconded the motion.

#### **ROLL CALL VOTE:**

**Vote: Passed (Summary Yes=7)**

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

Absent: Alderman Price

Alderman Friedmann read Bill No. 42 for a second reading.  
Alderman McMunn made a motion to approve Bill No. 42.  
Alderman Daues seconded the motion.

#### **ROLL CALL VOTE:**

**Vote: Passed (Summary Yes=7)**

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

Mayor Fribis declared Bill No. 42 to become Ordinance # 2239.

**Resolution No. 611- A Resolution approving a budget amendment for the purchase of safety equipment and authorizing the Mayor and/or City Administrator to execute the same on behalf of the City of Sunset Hills**

Alderman Daues read Resolution No. 611.  
Alderman Epperson made a motion to approve Resolution No. 611.  
Alderman Daues seconded the motion and it was unanimously approved.

**Resolution No. 612- A Resolution approving a contract with Leon Uniform Company and authorizing the Mayor and/or City Administrator to execute the same on behalf of the City of Sunset Hills**

Alderman Stewart read Resolution No. 612.  
Alderman Stewart made a motion to approve Resolution No. 612.  
Alderman McMunn seconded the motion and it was unanimously approved.

**Resolution No. 613- A Resolution stating the Cities of Fenton, Kirkwood and Sunset Hills will enter into this cooperative maintenance agreement with MoDOT to maintain the multi-use trail approaches**

Alderman McMunn read Resolution No. 613.  
Alderman McMunn made a motion to approve Resolution No. 613.  
Alderman Daues seconded the motion and it was unanimously approved.

**Resolution No. 614 - A Resolution approving a contract with Nu Way Concrete Forms, Inc. 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. 614.  
Alderman McMunn made a motion to approve Resolution No. 614.  
Alderman Daues seconded the motion and it was unanimously approved.

**Resolution No. 615 – A Resolution approving a master service agreement with CBB and authorizing the Mayor and/or City Administrator to execute the same on behalf of the City of Sunset Hills**

Alderman Wong read Resolution No. 615.  
Alderman Wong made a motion to approve Resolution No. 615.  
Alderman McMunn seconded the motion and it was unanimously approved.

**Resolution No. 616 - A Resolution approving a master service agreement with Lochmueller Group Inc. and authorizing the Mayor and/or City Administrator to execute the same on behalf of the City of Sunset Hills**

Alderman Daues read Resolution No. 616.  
Alderman Daues made a motion to approve Resolution No. 616.



Alderman Stewart seconded the motion and it was unanimously approved.

**APPOINTMENTS:**

None

**GENERAL DISCUSSION:**

**Signage**

Mr. Baker reviewed the corrections made to the sign code since the last UDO work session. He discussed the pole sign restrictions and concerns brought up previously.

Mr. Patrick Willett of 9524 Fringe Court spoke on the sign code. He stated he wanted to make the Board aware how important signage was for retailers. He explained although most people had electronic devices to get them to their destinations, signage was the key factor in people locating the business they were looking for.

After lengthy discussion on the changes to the sign code it was decided to continue the discussion at the March 22 Board meeting.

**In-person meetings**

Discussion was had on returning to in person meetings on the March 22, 2022 special Board of Aldermen meeting. Concerns about the hybrid version being the only option currently available were discussed.

Alderman Epperson made a motion to return to live meetings.

Alderman Stewart seconded the motion and it was unanimously approved.

**General:**

Alderman Friedmann stated she felt some changes were needed on the Code of Ethics ordinance. Specifically, the due process section.

Alderman Friedmann made a motion to direct the City Attorney to draft an ordinance repealing only section 2-400 of the Code of Ethics.

Alderman Daues seconded the motion.

Alderman Daues referenced the verbiage “shall not be subject to the strict rules of evidence” in part D of section 2-400 of the Code of Ethics. He stated he felt it needed to be re-written. Alderman McMunn agreed. Mayor Fribis asked Attorney Hetlage his opinion. Attorney Hetlage stated the verbiage was fairly common for an Administrative Board to adopt. He stated it was a good idea to review the Code of Ethics every two years to make sure it was still relevant and appropriate.

The motion to repeal section 2-400 of the Code of Ethics was passed unanimously.

Alderman Friedmann inquired on the Board directive to add a CID section to the agendas and minutes portion of the website. Ms. Gillett replied that Civic Plus was working on adding the section to our site and that she would check on the progress. Ms. Gillett stated the Transparency Portal had been added to the home page as directed.

Alderman Lieber asked Mr. Baker for an update on the Eddie and Park sidewalks. Mr. Baker explained the contract with Oates Engineering was approved and they had started the design phase of the project. He stated once the preliminary plans were done there should be a public meeting to allow the public to come in and take a look along with all of the Alderman.

**Request to meet in closed session pursuant to 610.21 (1), (2) RSMo to discuss legal matters and real estate**

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

**ROLL CALL VOTE:**

**Vote: Passed (Summary Yes=7)**

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

Absent: Alderman Price

The Board went into closed session at 9:15 p.m.

The Board reconvened in open session at 10:25 p.m.

**ADJOURNMENT:**

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

Meeting adjourned at 10:25 p.m.

Deputy City Clerk  
Lori Stone