

MINUTES OF THE REGULAR MEETING
OF THE BOARD OF ALDERMEN
OF THE CITY OF SUNSET HILLS MISSOURI
HELD ON MAY 10, 2022

BE IT REMEMBERED that 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 and via Zoom on Tuesday May 10, 2022. 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
Lindsay Hof	-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

APPROVAL OF THE AGENDA:

Alderman Epperson made a motion to approve the agenda with removal of agenda item number 11, Appointments, until further notice. Alderman Daues seconded the motion.

Mayor Fribis requested to move Bills 7 & 8 to the beginning of agenda, and Ms. Gillett stated Westview Investments, LLC requested postponement of Bills 2 & 3.

Alderman Daues seconded the motion and the agenda was approved with the amendments.

APPROVAL OF THE MINUTES:

Alderman Wong made a motion to accept the minutes as read for the April 26, 2022 regular and closed session meetings. Alderman Stewart seconded the motion and it was unanimously approved.

Bill No. 07- An Ordinance appointing a City Attorney and authorizing the Mayor to execute a contract for legal services with Cunningham, Vogel & Rost, P.C.

***Staff has requested a second reading**

Mayor Fribis read Bill No. 07 for a first reading.

Alderman Epperson made a motion to suspend the rules and read Bill 07 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 Hof, Alderman Daues

Mayor Fribis read Bill No. 07 for a second reading.
Alderman Epperson made a motion to approve Bill No. 07.
Alderman Lieber 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 Hof, Alderman Daues

Mayor Fribis declared Bill No. 07 to become Ordinance # 2243.

Bill No. 08- An Ordinance appointing Special Legal Counsel and authorizing the Mayor to execute a new contract for legal services with Lashly & Baer, P.C.

FIRST READING

***Staff has requested a second reading**

Alderman Daues read Bill No. 08 for a first reading.

Alderman Wong stated he had questions that needed to be addressed in closed session.

Discussion was had on holding a closed session in the conference room.

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

Alderman Epperson 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 Hof, Alderman Daues

The Board went into closed session at 6:09 pm.
The Board returned to open session at 6:12 pm

Alderman Wong made a motion to suspend the rules and read Bill 08 for a second reading.
Alderman Stewart seconded the motion.

ROLL CALL VOTE:

Vote: Passed (Summary Yes=8)

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

Alderman Daues read Bill No. 08 for a second reading.
Alderman Lieber made a motion to approve Bill No. 08.
Alderman Epperson seconded the motion.

ROLL CALL VOTE:

Vote: Passed (Summary Yes=8)

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

Mayor Fribis declared Bill No. 08 to become Ordinance # 2244.

CONSENT AGENDA:

- a) Bills to be approved
- b) Request by Swank Motion Pictures for annual company BBQ luncheon June 29, 2022 at 10795 Watson Road.
- c) Request by Swank Motion Pictures for special event movie night May 26, 2022 at 10795 Watson Road.
- d) Special Event request by Tapawingo National Golf Club for wedding reception fireworks display at 13001 Gary Player Drive.

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

PUBLIC HEARING:

none

PUBLIC COMMENT:

Mayor Fribis read a letter of resignation from Alderman Joe Stewart. He explained his family was moving out of Sunset Hills and would be effective as of June 30, 2022. Alderman Stewart stated it was an honor serving the City, working with the Mayor and serving as Chairman of the Finance Committee.

Mayor Fribis read the public comments submitted.

1. Cristin Watson of 12473 Limestone Spur stated she was adamantly opposed to a driveway on Sunny Creek.
2. Anne Jesse of 12408 Cinema stated she was against a driveway on Robyn for safety concerns.
3. Joe & Erin Hayman of 9390 Roosevelt- stated they were against a driveway on Robyn due to safety concerns.

4. Angie Weigel of 9717 Crestwick Drive requested an update on the status of the Water Tower permit and re-stated opposition to it.

Mayor Fribis called upon people who submitted requests to speak.

Request to Speak:

1. Suzanne Gentry of 12237 Robyn Road requested a 4' shoulder at the corner of 12300 Robyn Road for safety
2. Ann Zanaboni of 9548 Sunny Creek Lane stated she had a petition with 31 signatures against installing a driveway on Sunny Creek Lane.
3. Gary Vincent of 9456 Sunny Creek Lane spoke against having a driveway on Sunny Creek.
4. Mirga Rimavicus of 9471 Sunny Creek Lane stated she and her husband were against a driveway on Sunny Creek Lane for safety reasons.
5. Robert Pieper of 9510 Sunny Creek spoke on maintenance and landscaping and large tree replacement if a driveway was approved on Sunny Creek Lane.
6. Joe Grana of 9361 Lincoln Drive spoke on driveway spacing and stated the code should be reviewed prior to voting on where the driveway will be located.

OLD BUSINESS:

Bill No. 5- An Ordinance repealing section 2-400 of Chapter 2 of the Code of Ordinances of the City of Sunset Hills with respect to the procedures for compliance and enforcement of the City's Code of Ethics

SECOND READING

Alderman Hof read Bill No. 05 for a second reading.

Alderman Epperson made a motion to approve Bill No. 05.

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 Hof, Alderman Daues

Mayor Fribis declared Bill No. 05 to become Ordinance # 2245.

CITY OFFICIAL AND COMMITTEE REPORTS:

City Clerk/City Administrator, Brittany Gillett stated nothing to report.

Director of Finance, Susanna Messmer stated the annual audit wrapped up the previous week. She explained the Financial report was completed and submitted. Ms. Messmer reviewed the positive financial position of the City.

There was brief discussion of the use tax.

Chief of Police, Stephen Dodge stated nothing to report.

City Attorney, Erin Seele stated nothing to report.

Alderman Lieber asked for an introduction to the new City Attorneys.

Ms. Erin Seele and Ms. Lyndee Rodamaker introduced themselves to the Board of Aldermen.

City Engineer, Bryson Baker stated PW staff was preparing for an audit by the Missouri Department of Natural Resources. He explained the audit occurred every 5 years.

Director of Parks & Recreation, Gerald Brown stated due to the flooding, Minnie HaHa Park and the Driving Range were both closed. He explained they hoped to have them both up and operational by Friday and stated he would keep everyone updated on the situation.

Alderman Daues asked how the City stood on hiring for the pool. Mr. Brown explained they currently had 62 guards, but would like 80-85. He stated the lazy river had a leak that was being repaired and that the Pool should have a full opening May 27.

COMMITTEE REPORTS:

Finance Committee -Alderman Stewart stated nothing to report.

Economic Development Committee – no report.

Parks & Recreation Commission – Alderman Wong stated the Flea Market was May 14 and that Day Camp starts on June 6.

Police Advisory Board – Alderman Epperson stated nothing to report.

Public Works Committee – Alderman Friedmann stated they discussed the excavator purchase as well as the concrete slab replacement project. She explained they were still working on resolving the 2021 contract situation with Sweetens.

Alderman Friedmann discussed the issue with rising costs and replacing slabs throughout the City.

NEW BUSINESS:

Bill No. 09 – An Ordinance adopting a new Section 15-26 of Chapter 15 of the Code of Ordinances of the city of Sunset Hills with respect to Short-Term Rentals FIRST READING

Alderman Lieber read Bill No. 03 for a first reading.

Alderman Wong asked what the Ordinance changed. Mr. Baker explained the ordinance was to help with enforcement until the new City Code was adopted.

Bill No. 10- An Ordinance authorizing the Mayor to execute a Municipal Housing and Community Development Cooperation Agreement with St. Louis County, Missouri for the fiscal years 2021-2023 FIRST READING

Alderman Friedmann read Bill No. 10 for a first reading.

Alderman McMunn made a motion to suspend the rules and read Bill 10 for a second reading.
Alderman Epperson seconded the motion.

ROLL CALL VOTE:

Vote: Passed (Summary Yes=8)

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

Alderman Friedmann read Bill No. 10 for a second reading.
Alderman Daues made a motion to approve Bill No. 10.
Alderman McMunn 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 Hof, Alderman Daus

Mayor Fribis declared Bill No. 10 to become Ordinance # 2246.

Resolution No. 623- A Resolution approving a contract for a 2021 Volvo ECR58F Mini Excavator 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. 623.

Alderman Stewart made a motion to approve Resolution No. 623.

Alderman Epperson seconded the motion and it was unanimously approved.

Resolution No. 624- A Resolution approving a contract for 2022 Concrete Slab Replacement Contract and authorizing the Mayor and/or City Administrator to execute the same on behalf of the City of Sunset Hills

Alderman Hof read Resolution No. 624.

Alderman McMunn made a motion to approve Resolution No. 624.

Alderman Lieber seconded the motion and it was unanimously approved.

Resolution No. 625 - A Resolution of the City of Sunset Hills, Authorizing the Mayor to Enter into an Improvement Escrow Agreement with Westview Investment, LLC Guaranteeing Site Plan Improvements for the Sunset Reserve Subdivision and Matters Relating

City Attorney Seele stated that since the item was related to the postponed Bills 2 & 3 it may make sense to postpone this item as well.

Alderman Wong made a motion to postpone Resolution No 625 until Bills 2 and 3 were on the agenda.

Alderman Epperson seconded the motion and it was unanimously approved.

APPOINTMENTS:

Mayor Fribis expressed her disappointment with the postponement of the appointments by the Board.

Lengthy heated discussion ensued in reference to appointments, timely public notifications and communication between the Mayor and Board.

GENERAL DISCUSSION:

Alderman Lieber posed several questions to Mayor Fribis in reference to nominations for appointment selections and removals. Discussion ensued.

Alderman Lieber made a motion to amend the code of Ordinances regarding all nominations for committees to read "Any member of the Board of Alderman or the Mayor can nominate for any committee other than P&Z and Parks and Recreation of Sunset Hills.

Alderman Epperson seconded the motion.

There was discussion on the proposed legislation and general consensus from the Board to move forward. Ms. Gillett explained an amended Ordinance would be drafted and come back to the Board for review.

Alderman Wong asked what the difference in those committees were. It was explained that P&Z and Parks and Recreation Committees were State mandated.

Additional discussion was held on appointment and reappointment nominations as well attendance by nominees.

Alderman Wong discussed the possibility of enacting an attendance policy, and asked why the Parks Board was the only Board with it. Mr. Brown explained the attendance policy was put in place 15 years prior due to low attendance. He stated attendance had not been as issue for the past 10+ years, and explained with the larger Board there were currently no issues with a quorum.

Alderman Daues spoke on the necessity of committee members attending their meetings.

Alderman Wong made a motion to adopt an attendance policy for each committee.

Alderman Epperson seconded the motion and it was unanimously approved.

Mayor Fribis addressed questions from Alderman Lieber on her appointment and re-appointment nominations.

Lengthy discussion was held on the qualifications of nominees and the communication between the Mayor and the Board. There was a consensus to improve communication moving forward.

Alderman Wong made a motion for staff to include the year-to-date totals as well as the total budget for the fiscal year in the monthly expense reports. Staff agreed to include the additional detail in the monthly reports.

Alderman Wong discussed moving operational costs back to the general fund instead of leaving in the Special funds.

Ms. Gillett stated she would do a memo to the Board on the subject.

Alderman Friedmann made a motion to direct the City Administrator to submit a letter to The Call to Correct Misstatements In its March 31, 2022 Print Edition.

To read:

Dear Ms. Achenbach:

I am writing at the direction of the Sunset Hills Board of Aldermen to correct misstatements made in your March 31, 2022 print edition.

In its endorsement of Pat Fribis for Mayor of Sunset Hills, The Call states that, at " a June 2021 meeting called to educate the then newly-elected aldermen on how to conduct city business in accordance with the Sunshine Law, Lieber said the meeting was unnecessary and could have been avoided with a phone call." This sentence contains explicit misstatements of fact.

First, neither the agenda for the June 8, 2021 nor the June 22, 2021 include Sunshine Law matters. It is highly careless of the Call to get such rudimentary facts wrong.

Second, Alderman Lieber, Alderman McMunn and Alderman Wong called a special meeting to be held May 27, 2021 for a variety of issues. They did NOT call the meeting to educate aldermen on the Sunshine law. Alderman Lieber did NOT state that the meeting was unnecessary. She in fact formally requested the meeting. At the 40:40-minute mark of the recorded meeting, during a discussion having nothing to do with

Sunshine law, Alderman Lieber stated “if one phone call would have been made to me... none of the rest of my 20 hours that I had to spend on this would have had to take place.”

We trust that, as the paper of record for our community, you will print this correction and offer an appropriate retraction.

Alderman Daues seconded the motion and it was unanimously approved.

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

Alderman Epperson made a motion to go into closed session. 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 Hof, Alderman Daues

The Board went into closed session at 7:43 p.m.

The Board reconvened in open session at 8:53 p.m.

ADJOURNMENT:

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

Meeting adjourned at 8:53 p.m.

Deputy City Clerk
Lori Stone