

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

BE IT REMEMBERED that the Board of Aldermen of the City of Sunset Hills, Missouri met in regular session held via Zoom on Tuesday January 12, 2021. The meeting convened at 6:05 p.m.

The meeting began with the reciting of the Pledge of Allegiance.

ROLL CALL:

Patricia Fribis	-Mayor
Joe Stewart	-Alderman Ward I
Ann McMunn	-Alderman Ward I
Steve Bersche	-Alderman Ward II
Casey Wong	-Alderman Ward II
Cathy Friedmann	-Alderman Ward III
Nathan Lipe	-Alderman Ward III
Mark Colombo	-Alderman Ward IV
Thompson Price	-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 Nathan Lipe -Alderman Ward III

APPROVAL OF MINUTES:

Alderman Price made a motion to accept the minutes as read for the November 24, 2020 closed session meeting, the December 8, 2020 regular meeting and the December 22, 2020 special and closed session meetings. Alderman McMunn seconded the motion and it was unanimously approved.

CONSENT AGENDA:

A) Bills to be approved

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

PUBLIC HEARING: The Board will consider two petitions submitted by Special School District of St. Louis County, for improvements to South County Technical School at 12721 West Watson Road

a) An Amended Conditional Use Permit

Mr. Baker gave a summary of the work to be done. He stated one of the existing maintenance buildings would be converted into additional classroom and office space, as well as striping changes on the surrounding lot and moving some existing bus stalls.

PUBLIC COMMENT:

A comment submitted by the public in reference to the Medical Marijuana Dispensary was read into the record by Mayor Patricia Fribis.

OLD BUSINESS:

Reconsideration of Bill No. 18- An Ordinance amending Ordinance number 2146, approving an Amended Development Plan for St. Louis Bombers RFC for redevelopment of the property at 13450 West Watson Road

*Pursuant to State Statute 79.140 the Mayor has enacted her right to veto Bill No. 18 and has returned, with objections, for Board reconsideration.

City Administrator Brittany Gillett read the question to the Board for reconsideration:

Shall the bill pass, the objections of the Mayor thereto notwithstanding?

ROLL CALL VOTE:

Vote: Failed- 2/3 Majority not met (Summary Yes =4 , No =3)

Yes-Alderman Bersche, Alderman Wong, Alderman Price, Alderman Colombo

No- Alderman McMunn, Alderman Friedmann, Alderman Stewart

Absent. Alderman Lipe

The Mayors Veto stands

City Attorney Robert E. Jones addressed the Board about contacting the Bombers Rugby Club in reference to mutually terminating the lease and returning the rent paid to date. Attorney Jones stated he would report back to the Board once he had contacted the Bombers Rugby Club.

Bill No. 20- An Ordinance approving an Amended Development Plan for Friendship Village of South County

SECOND READING

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

There was discussion in reference to installing a decorative gate and keeping it locked.

City Administrator Brittany Gillett asked for a motion for a 5-minute break due to technical issues.

Alderman Bersche made a motion for a 5-minute break. Alderman McMunn seconded the motion and it was unanimously approved.

City Administrator Gillett asked for a motion to resume the meeting.

Alderman Bersche made a motion to resume. Alderman McMunn seconded the motion and it was unanimously approved.

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

ROLL CALL VOTE:

Vote: Passed (Summary **Yes =5** , No =2)

Yes: Alderman McMunn, Alderman Bersche, Alderman Price, Alderman Colombo, Alderman Stewart

No: Alderman Wong, Alderman Friedmann

Absent: Alderman Lipe

Mayor Fribis declared Bill No. 20 to become Ordinance #2191

**Bill No. 21- An Ordinance granting a Conditional Use Permit to Missouri American Water Company for installation of a new water tower at 11832 Sappington Barracks Road
SECOND READING**

Alderman Bersche read Bill No. 21 for a second reading.

Alderman Price made a motion to approve Bill No. 21. Alderman Colombo seconded the motion.

Alderman McMunn asked if we would see what the tower would look like before it is erected. She stated she had issues with some of the residents who live behind the site.

Mayor Fribis asked Mr. Baker to address this. Mr. Baker stated that there were some resident concerns over landscaping, lighting and the size of the tower.

Angie Wiegl a resident of Crestwick Dr. stated she could not find anything on the website that showed what the tower will look like and asked for this to be delayed.

Alderman McMunn stated she asked Ms. Gillett to have Assistant City Engineer Wes Searcy do an aerial view of the current tower and diameter of new tower. Alderman McMunn stated the tower was the length of Ms. Weigl's yard. Ms. Wiegl stated she had a pool she spent \$80,000 dollars on, that will not get any sun.

Mayor Fribis asked Attorney Jones to address this. Attorney Jones asked if there was a representative present from Missouri American Water Company (MAWC) who could speak to the need and size of this particular tank.

Matt Jaspering with Missouri American Water company (MAWC) stated they sent over a site plan that gave an idea of the size of the new tower, as well as photos of existing tanks in other locations. Mr. Jaspering asked that approval not be delayed because it would affect their ability to move forward with the purchase agreement on the property. He stated, in reference to the size of the tank, the 1.5-million-gallon tank is the right size for the demand in the area. The original plan called for a 1.75-million-gallon tank. The reduced tank size to 1.5 million gallons because they thought they could get by with that, but did not want to go any lower. They feel it is the appropriate size for the area it's intended to serve.

Alderman McMunn asked about a ground tank instead. Mr. Jaspering stated that was not optimal for them in this location. He stated they currently have elevated storage and want to keep elevated storage. It provides a number of benefits and is preferred over ground tank storage in most cases.

Alderman Friedmann stated there were other tank locations including Affton and Florissant, that had underground storage tanks over a million gallons. She asked what was unique about this location.

Mr. Jaspering stated because they have existing elevated storage here and that is how the system is set up to run. He stated they would not want to switch to ground storage at this

location because their South plant pumps water up to this location and they would like to continue to do so.

Alderman Friedmann asked where the South plant was. Mr. Jaspering stated it was located at Gravois and Maurer Industrial Dr., and is part of the water treatment facility located there. Alderman Friedmann asked if there was a pumping station there. Mr. Jaspering stated yes it was part of the facility. It is where water is treated and clarified and sent out into the system.

Alderman Stewart stated most tanks in the area of this size are ground tanks and asked why we couldn't update to that.

Taylor Flynn-Elhoffer, with MAWC stated he could address this. He stated he was the Production Manager and also heads-up tank and booster site operations. He stated the reason for the elevated tank storage in this location was because every pressure zone must have at least one elevated storage tank in order to help maintain pressure throughout the entire zone. He said that without this they would not be able to maintain pressures needed in the area or mitigate pressure swings from main breaks and fire flows. The reason for seeing additional ground storage tanks in the area is because of the pressure the current elevated tank is providing.

Alderman Wong asked why Sunset Hills is the location for the elevated tank. Mr. Flynn-Elhoffer stated it was the first point set up in the South zone in 1936.

There was additional discussion in reference to tank sizes and the need for elevated water storage. Alderman Colombo stated for clarity that the Arnold water tower was a 3-million-gallon tank.

Alderman Price asked if there was an option other than the above ground tank or was it a necessity for the system to function properly for the next 50 years.

Matt Jaspering answered that elevated storage is necessary for them to set the gradient in the south Zone.

Alderman Price asked if it was true that the tank would be so big that it would block the neighbor's yard entirely. Mr. Jaspering stated he didn't know how that would even be possible, and that it would not block the yard.

Alderman McMunn asked what the diameter of the bulbous part of the tank was. Mr. Jaspering stated he believed it was 85 feet.

Resident Angie Wieggl asked if Mr. Jaspering could compare that to what we currently have. Mr. Jaspering stated he was comfortable stating it was between 50 and 60 feet in diameter. Ms. Wieggl asked if Mr. Jaspering would want this in his yard.

Alderman Wong said based on his question from the last meeting, he did not feel they have explored other options.

Taylor with MAWC stated the tank was put there based on topography. The current location is one of the highest elevations in the zone. They are looking at this particular site because of the height. A tank put at a lower elevation would be a lot taller than the proposed water tower. He referenced Arnold's tank and size. He stated the reason the tank is so tall is because of the topography and elevation needed to support their system needs. Mr. Wong continued debating with MAWC. Matt Jaspering stated the distribution system is set up to pump to this location.

Alderman Wong continued debating with Mr. Jaspering and stated we would be the first in St. Louis county to erect a water tower of this size.

Mr. Jaspering stated they needed the CUP to complete their land transaction and they want to confirm they have the site before expending additional money. Alderman Wong thanked the representatives from MAWC for their time.

City Attorney Robert E. Jones, cautioned the Board that MAWC is a public utility and the ability of Sunset Hills to impose its zoning regulations on another public entity is limited. Attorney Jones stated that MAWC had demonstrated through their testimony that there is a particular necessity for this facility. He also stated that while the City can impose health and safety regulations on another public entity, we are limited with what we can do with regard to zoning. He stated this was a CUP not a Development Plan, while plans still have to be submitted for zoning approval and passed for permits, it would not come back to them.

Mayor Fribis then asked Attorney Jones to educate the Board and participants on the Zoom meeting about a St. Charles case.

Attorney Jones gave a detailed summary of the recent MAWC vs. St. Charles County case.

Alderman Price asked if there was really nothing the City could do to prevent this from taking place. Mayor Fribis confirmed his statement.

Alderman Price stated if that was the case; there was a tower there now, it has outlived its usefulness, and it's an ideal location for the new tower, then we need to move on. He stated while he feels for the neighbors, the existing tower was there when they moved in, and as unfortunate as it may be, we are locked into approving this.

Alderman McMunn asked if they really had no control over size, shape, dimension looming over someone's home, and they have no control could we ask for something smaller, less intrusive. Attorney Jones stated as long as it is not a danger or being constructed from something susceptible to bursting or flammable, those are the controls that Sunset Hills can without a doubt impose another public entity.

Mayor Fribis stated aesthetics were not part of that.

Alderman Wong asked to please not rush this through. And said MAWC was a good neighbor. He went over several point he made earlier in the meeting.

The original motion made by Alderman Price and seconded by Alderman Colombo was voted on.

ROLL CALL VOTE:

Vote: Motion Failed (Summary Yes = 3, **No =4**)

Yes: Alderman Bersche, Alderman Price, Alderman Colombo

No: Alderman McMunn, Alderman Wong, Alderman Friedmann, Alderman Stewart

Absent: Alderman Lipe

**Bill No. 22- An Ordinance granting a Conditional Use Permit to QPS Missouri Holdings, LLC for a Medical Marijuana Dispensary at 10425 Watson Road
SECOND READING**

Alderman Stewart read Bill No. 22 for a second reading.

Alderman McMunn made a motion to approve Bill No. 22. Alderman Colombo seconded the motion.

There was discussion about approval of Bill No. 22 with amendments.

Alderman McMunn withdrew her motion to approve. Alderman Colombo withdrew his second to the motion.

Alderman Friedmann made a motion to amend Bill No 22. Alderman McMunn seconded the motion and it was unanimously approved.

The Amendments were stated as follows;

- a. Sales of marijuana shall be limited to medical marijuana only.
- b. Hours of operation shall be from 10am to 9pm, Sunday through Saturday.
- c. No onsite consumption of marijuana.
- d. No loitering on the premises.
- e. Customers shall park only on the permitted site, not on adjoining properties or streets.

Alderman Stewart read Bill No. 22 for a second reading as amended.

Alderman Colombo made a motion to approve Bill No. 22. Alderman Stewart seconded the motion.

ROLL CALL VOTE:

Vote: Motion Passed (Summary **Yes =6** , No =0, Abstain= 1)

Yes: Alderman McMunn, Alderman Bersche, Alderman Price, Alderman Colombo, Alderman Stewart, Alderman Friedmann

Abstain: Alderman Wong

Absent. Alderman Lipe

Mayor Fribis declared Bill No. 22 to become Ordinance #2192

CITY OFFICIAL AND COMMITTEE REPORTS

City Clerk/City Administrator, Brittany Gillett stated candidate filing continues until January 19.

Director of Finance, Susanna Messmer stated nothing to report.

Chief of Police, Stephen Dodge stated nothing to report, and that Covid cumulative case totals were at 860.

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

City Engineer, Bryson Baker stated nothing to report.

Director of Parks & Recreation, Gerald Brown stated nothing to report.

COMMITTEE REPORTS:

Finance Committee – Alderman Colombo stated nothing to report.

Economic Development Committee – Aldermen Price stated the committee had not met; however, the commercial projects were continuing towards completion. The next meeting will be February 1st at which time the projects will be reviewed and updated information sent out.

Parks & Recreation Commission – Alderman Bersche stated nothing new to report.

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

Public Works Committee – Alderman Lipe- no report given. Public Works Director Bryson Baker stated there was no meeting in January, and the next meeting would be on February 4th.

NEW BUSINESS:

**Bill No. 23- An Ordinance granting an Amended Conditional Use Permit to Special School District of St. Louis County for improvements to South County Technical School at 12721 W. Watson Road
FIRST READING**

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

Resolution No. 544- A Resolution adopting a Diversity and Inclusion Statement for the City of Sunset Hills

Alderman Friedmann read Resolution No. 544. Alderman Friedmann made a motion to approve Resolution No. 544. Alderman McMunn seconded the motion and it was unanimously approved.

Resolution No. 545- A Resolution approving a contract with Fabick Cat 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. 545. Alderman Wong made a motion to approve Resolution No. 545. Alderman McMunn seconded the motion and it was unanimously approved.

Resolution No. 546- A Resolution approving a contract with D&S Fencing Co. and authorizing the Mayor and/or City Administrator to execute the same on behalf of the City of Sunset Hills

Alderman Price read Resolution No. 546. Alderman Price made a motion to approve Resolution No. 54. Alderman Stewart seconded the motion and it was unanimously approved.

APPOINTMENTS: None

RE-APPOINTMENTS: None

EXTENDING DUE DATE FOR BUSINESS LICENSE FEES DISCUSSION:

Finance Director Susanna Messmer explained the request for an extension was due to a tight time frame for the gross receipts payors.

City Attorney Jones requested a motion to draft legislation.

Alderman Price made a motion to approve the drafting of legislation to extend the due date for gross receipts businesses. Alderman McMunn seconded the motion and it was unanimously approved.

PARACLETE PROPERTY DISCUSSION:

Mayor Fribis explained that the Moore family would like to donate the Paraclete property to the City. Parks Director, Gerald Brown, went over the details of the property proposal. There was lengthy discussion in reference to the expenses and potential revenues associated with taking on the property.

GENERAL DISCUSSION:

Alderman McMunn inquired about developers who deviate from their approved development plans. There was lengthy discussion about changes to existing development plans without prior

approval, and the City's procedures in reference to dealing with them. Alderman Wong stated he would like to be notified of such violations. Mr. Baker discussed the steps taken by staff when this occurs.

ADJOURNMENT:

Alderman Bersche made a motion to adjourn the meeting. Alderman McMunn seconded the motion. The meeting adjourned at 8:19 p.m.

Deputy City Clerk

A handwritten signature in black ink, appearing to read "Lori A. Stone". The signature is written in a cursive style with a large initial "L".