

MINUTES OF THE REGULAR MEETING
OF THE BOARD OF ALDERMEN
OF THE CITY OF SUNSET HILLS MISSOURI
HELD ON APRIL 27, 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 April 27, 2021. The meeting convened at 6:01 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

APPROVAL OF MINUTES:

Alderman Lipe made a motion to accept the minutes as read for the March 23, 2021 regular and closed session meetings. Alderman Bersche seconded the motion and it was unanimously approved.

PROCLAMATIONS

Mayor Fribis read the Proclamation declaring the first Thursday in May as "A Day of Prayer" in Sunset Hills. Mayor Fribis then read a Proclamation honoring Jerry Cox. Mr. Cox has been an active member of the community with more than forty years of service on various Boards and Commissions. Mayor Fribis thanked Mr. Cox for his many years of service and dedication.

Mayor Fribis then thanked the outgoing Alderman for their service to the City and read their service plaques.

READING OF THE ELECTION RESULTS

Ms. Gillett read the Election results.

Administer the Oath of Office to New Elected Officials

Ms. Gillett administered the Oath of Office to Joe Stewart, Christine Lieber, Randal Epperson and Fred Daves.

ROLL CALL WITH NEW ELECTED OFFICIALS:

Patricia Fribis
Joe Stewart
Ann McMunn
Christine Lieber
Casey Wong
Cathy Friedmann
Randal Epperson
Thompson Price
Fred Daues
Brittany Gillett
Susanna Messmer
Bryson Baker
Gerald Brown
Stephen Dodge
Robert E. Jones

-Mayor
-Alderman Ward I
-Alderman Ward I
-Alderman Ward II
-Alderman Ward II
-Alderman Ward III
-Alderman Ward III
-Alderman Ward IV
-Alderman Ward IV
-City Administrator
-Finance Director
-City Engineer
-Director of Parks & Recreation
-Chief of Police
-City Attorney

CONSENT AGENDA:

Bills to be approved.

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

PUBLIC HEARING

The Board will consider a petition for a Text Amendment, submitted by the City of Sunset Hills, to revise and update the Illumination Standards in Appendix B Zoning Regulations, section 6.3-7

Mr. Baker stated due to numerous lighting changes over the past couple of decades this would put us more in line with current illumination/lighting standards. The changes made are also to protect residents and their property since so many are adjacent to commercial developments.

Ms. Gillett stated two of the most notable changes in the amendment were;

1. Address allowable height which had been an issue previously.
2. It also addresses the process by which the petitioner can request a variance has changed from going to Board of Adjustment for review, to going before the Planning & Zoning Commission and then to the Board of Aldermen for approval.

Alderman Price stated that LED lighting has been a major factor in the change that is necessary.

Attorney Jones added there was also clarification to section 6.3 on minimum initial levels and maximum initial levels, which were unclear previously.

Alderman Daues asked if the new Illumination standards would affect existing issues residents have with lighting from commercial properties. Attorney Jones stated that the standards will not be applied retroactively.

Alderman Friedmann asked why the City did not have the power to require changes to a commercial development, but had the ability to address nuisance lighting in residential areas. Attorney Jones stated that it was due to commercial properties having a development plan approved by the City and residential plans do not have a plan.

Public Comment

none

OLD BUSINESS: None

CITY OFFICIAL AND COMMITTEE REPORTS:

City Clerk/City Administrator- Brittany Gillett stated she would like to welcome the new Aldermen to the team and that we are looking forward to working with them.

Director of Finance- Susanna Messmer stated the field work for the audit was ongoing and that we would probably have to do a second Federal Audit due to the Cares Act.

Chief of Police- Stephen Dodge stated nothing to report.

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-Susanna Messmer stated the Finance Committee met last evening and would like to meet with the auditors. They are coordinating a meeting between the audit team and Finance Committee at the time of the first draft of the financial statements. There was also discussion of a structural pay increase in for Public Safety Officers to have a definitive pay plan in order to retain and recruit officers in a very tight labor market. That will be addressed at the May Board meeting.

Economic Development Committee – Aldermen Price stated the numerous projects in the City were progressing nicely. Comfort Suites appeared to be close to being finished and Burger King is preparing to re-open after rebuilding their restaurant.

Parks & Recreation Commission – Mr. Brown stated the Sunset Hills Makers Market would be on May 1 with over 75 artists and vendors participating, and the Fishing Derby would be on May 12 at 6:30 p.m. He stated 95% of the new playground equipment had been delivered and they are anticipating completion in early June.

Police Advisory Board – Chief Dodge stated the next Police Advisory Board would be on Tuesday May 4 at 6:30 p.m.

Alderman Friedmann asked for an update on the pool situation. Mr. Brown stated the current guidelines change daily; however, they are currently looking at running the way the plan was originally laid out at the last BOA meeting. He stated he would have a full report the second week in May after the Pool Advisory and Park Board meetings.

Public Works Committee – Mr. Baker stated there would not be a May meeting but were planning on having a meeting in June if they have a new Chairman. He stated that Tapawingo Streets will be on the agenda since they previously applied for the City to take over maintenance. They have gone through the process of a deficiency report and addressing the deficiencies. The next step will be for them to come back to the Public Works Committee for discussion, then proceed to P&Z, and finally to the Board of Aldermen.

NEW BUSINESS:

**Bill No. 1- An Ordinance amending the exterior lighting regulations of the City of Sunset Hills
FIRST READING**

Alderman Price read Bill No. 1 for a first reading

Alderman Wong made a motion to amend the ordinance

1. There is mandatory language that applicants must go through other committees or Boards prior to going to Board of Adjustment
2. Insert the average light be 8.0 in addition to the maximum of 12.0
3. Nuisance sentence be its own stand-alone provision so it applies to residential and commercial
4. Any changes, including changing a light bulb would trigger provisions that the City had opportunity to weigh in on.

Alderman Daues seconded the motion.

There was further discussion on the necessity of the motion. Alderman Epperson stated he felt it would be better to list each amendment separately. Attorney Jones stated the motion and second had to be withdrawn in order to make the motions separate.

Alderman Wong withdrew his motion. Alderman Daues withdrew his second.

Alderman Wong made a motion to include language that it is mandatory for applicants to go through other committees or Boards prior to going to Board of Adjustment. Alderman Friedmann seconded the motion.

Alderman McMunn asked if applicants could no longer simultaneously apply to each committee or Board. There was lengthy discussion on the motion and the legalities of the proposed amendment.

Alderman Wong withdrew his motion for amendment. Alderman Friedmann withdrew her second.

Alderman Wong made a motion to insert the verbiage that the average light standard be 8.0 in addition to the maximum of 12.0. Alderman McMunn seconded the motion.

Alderman Price asked for discussion on the topic. He stated he felt a lighting engineer needed to attend a meeting for answers to questions the Board had.

Mayor Fribis asked Mr. Baker to contact a lighting engineer to attend the next Board meeting.

A vote was taken on Alderman Wong's motion to insert the verbiage that the average light be 8.0 in addition to the maximum of 12.0. The motion passed 6 to 2

Vote: Passed (Summary Yes=6, No=2)

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

No: Alderman Stewart and Alderman Price

Alderman Wong made a motion to move the nuisance sentence into its own stand-alone paragraph so that it applies to residential and commercial. Alderman McMunn seconded the motion and it was unanimously approved.

**Bill No. 2- An Ordinance authorizing the Mayor and/or City Administrator of the City of Sunset Hills to enter into an agreement on behalf of the City with the City of Crestwood relating to the providing of Police Dispatching Services and Temporary Prisoner Holdover Facilities for the City of Crestwood
FIRST READING**

***Staff has requested a second reading**

Alderman Stewart read Bill No. 2 for a first reading.

Alderman Stewart made a motion to suspend the rules and read Bill 2 for a second reading. Alderman Price seconded the motion.

The motion to suspend the rules and read the bill for a second reading failed.

ROLL CALL VOTE:

Vote: Failed (Summary **No=6**, **Yes=2**)

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

Yes: Alderman Stewart, Alderman Price

Alderman Wong asked the Mayor to entertain debate on the subject. Mayor Fribis explained the background on contracting for dispatch services.

Alderman Epperson made a motion to amend the ordinance to include a force majeure clause in the agreement. Alderman Lieber seconded the motion.

There was lengthy discussion in reference to a force majeure clause, Evergreen clause and a reverse indemnity clause. Attorney Jones stated a standard force majeure clause did not fit in the agreement and also stated he had originally drafted reciprocal indemnities in the contract which was rejected by Crestwood, at which time the contract went to the legal team of our insurance underwriter. Chief Dodge stated the agreement with Crestwood was beneficial for both cities. He stated it was great in terms of public safety, information sharing and emergency services. Additional discussion continued in reference to dispatching back up plans and the origination of the agreement.

Attorney Jones stated the motion did not pertain to the bill, but the contract, which there is not a process for other than going back and re-negotiating the terms of the contract. He stated it would be advisable to go back to the Crestwood team to address the issues in the contract.

Discussion ensued in reference to agreements with other municipalities. Alderman McMunn asked why Sunset Hills was not currently looking at outsourcing the City dispatching services, and asked if it would be more beneficial than the income from the Crestwood agreement. Alderman Epperson stated he was adamantly opposed to outsourcing our police services. Mayor Fribis stated when it was originally looked into, it was decided that giving our residents the best service possible took precedence over the monetary value of outsourcing our public safety services. Alderman McMunn asked if the City was looking into taking on additional municipalities other than Crestwood, Ms. Gillett stated not at the present time. Alderman Wong asked why we were not actively pursuing agreements with other municipalities. Alderman Epperson responded because this agreement model only works on adjoining jurisdictions. This works because we share a common border with Crestwood. He stated the only options to farm out our services was to Kirkwood or St. Louis County. Alderman Price stated he felt the agreement with Crestwood was good for Sunset Hills and that the City had no interest in outsourcing our Police Dispatch services.

Mayor Fribis asked Attorney Jones, Ms. Gillett and Chief Dodge to address the verbiage changes in the contract.

Ms. Gillett reviewed the items to be addressed in the contract with the Crestwood team as follows;

1. Force majeure clause
2. Name Evergreen clause as such
3. All equipment will stay with Sunset Hills in the event of contract termination
4. Request for flexibility in reference to the 180-day stipulation for contract termination
5. Explore reciprocal indemnity clause
6. Explore negotiated contract amount

Alderman Wong asked for a detailed information on operating costs and how the contract amount was reached. Alderman Daues stated our operating costs would likely be similar to those of Crestwood, Ms. Gillett confirmed that statement. Ms. Gillett stated our operating costs were approximately 380,000 annually, including benefits, for 5 employees, Ms. Gillett reiterated that there would not be a need to hire additional

employees to take on the Crestwood dispatch services and that a breakdown could be provided. Alderman Wong stated he would like a detailed salary break-down with benefits for each dispatcher. Alderman Wong stated he felt that was a critical piece of information in reference to the agreed amount in the contract.

Alderman Epperson withdrew his motion. Alderman Lieber withdrew her second to the motion.

Resolution No. 562- A Resolution approving a contract with Bates Electric and authorizing the Mayor and/or the City Administrator to execute the same on behalf of the City of Sunset Hills

Alderman Wong read Resolution No. 562.

Alderman Wong asked what the electrical platform was used for. Mr. Brown stated it was used for all the electric supplied to the athletic fields. Because it is located in a floodway St. Louis County requires it to be elevated. Alderman Wong asked why we are spending funds in a known floodway. Mr. Brown stated we replaced all the lighting last year but had to wait to this year to replace the platforms. Mr. Brown stated the current platforms are rotting and require replacement.

Alderman Price made a motion to approve Resolution No. 562. Alderman McMunn seconded the motion and it was unanimously approved.

Resolution No. 563- A Resolution approving a contract with Stark roofing LLC and authorizing the Mayor and/or the City Administrator to execute the same on behalf of the City of Sunset Hills

Mayor Fribis stated the petitioner requested postponement for this item.

Resolution No. 564- A Resolution approving a contract with Sweetens Concrete Services LLC and authorizing the Mayor and/or the City Administrator to execute the same on behalf of the City of Sunset Hills

Alderman Friedmann read Resolution No. 564. Alderman Price made a motion to approve Resolution No. 564. Alderman Stewart seconded the motion and it was unanimously approved.

Resolution No. 565- A Resolution approving a contract with N.B. West Contracting Company and authorizing the Mayor and/or the City Administrator to execute the same on behalf of the City of Sunset Hills

Alderman Daues read Resolution No. 565.

Alderman Wong asked what the resolution means, and asked Mr. Wes Searcy, Assistant City Engineer to explain the project and process. Mr. Wes Searcy explained what chip sealing was and where the improvements would be made.

Alderman Price made a motion to approve Resolution No. 565. Alderman Epperson seconded the motion and it was unanimously approved.

APPOINTMENTS

None

RE-APPOINTMENTS

None

GENERAL DISCUSSION

Alderman Wong asked about the development behind La Quinta Inn. Mr. Baker stated the petitioner has submitted a concept plan for apartments which would take the place of 5 residential structures, and will be heard on May 5, 2021 at the Planning and Zoning Commission.

Alderman Wong made a motion that anything submitted to the City that comes up for Public Notice be placed on the website and emailed to the Aldermen. Alderman McMunn also requested she be emailed with information on anyone who expresses interest in her ward.

Ms. Gillett asked if a summary of information submitted would be helpful. Alderman Wong stated he wanted any and all information submitted sent to him.

Alderman Friedmann asked where the City was on the Zoning Code. Mr. Baker stated they were working on changes to the code and other recommendations that Planning & Zoning made. Once completed it will be taken back to Planning & Zoning for final approval.

Alderman Lieber stated she had some residents that were interested in serving on committees. Mayor Fribis stated they should submit volunteer interest forms to City Hall for consideration.

Alderman Wong made a motion that anytime the public notice postcardis sent all "Electeds" should be notified of the subject. Alderman McMunn seconded the motion. Motion passed 5-3.

ELECT AN ACTING PRESIDENT OF THE BOARD OF ALDERMAN

Alderman Stewart nominated Alderman Price. Alderman Epperson seconded the motion
Alderman Friedmann nominated Alderman McMunn. Alderman Lieber seconded the motion.

Voting was done by a show of hands.

Votes for Alderman Price- 3.

Votes for Alderman McMunn- 5.

Alderman McMunn is the 2021 Acting President of the Board of Alderman.

REQUEST TO MEET IN CLOSED SESSION

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

ROLL CALL VOTE:

Vote: Passed/Failed (Summary Yes= 8____, No=____)

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

The Board went into closed session at 9:06 p.m.

The Board reconvened in open session at 9:56 p.m.

ADJOURNMENT:

Alderman McMunn made a motion to adjourn the meeting. Alderman Lieber seconded the motion and it was unanimously approved. Meeting adjourned at 10:01 p.m.

Deputy City Clerk
Lori Stone