

MINUTES OF THE SPECIAL MEETING
OF THE BOARD OF ALDERMEN
OF THE CITY OF SUNSET HILLS MISSOURI
HELD ON MAY 27, 2021

BE IT REMEMBERED that the Board of Aldermen of the City of Sunset Hills, Missouri met in special session held via Zoom on Thursday May 27, 2021. The meeting convened at 4:00 p.m.

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

ROLL CALL:

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| | Patricia Fribis | -Mayor |
| | Ann McMunn | -Alderman Ward I |
| | Christine Lieber | -Alderman Ward II |
| | Casey Wong | -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 |
| | Robert E. Jones | -City Attorney |
| Absent: | Joe Stewart | -Alderman Ward 1 |
| | Stephen Dodge | -Chief of Police |

Mayor Fribis read a public comment submitted by resident, Don Placke residing at 9529 S. Geyer Road.

DISCUSSION ITEMS

a) Sunshine Law pertaining to emails

Mayor Fribis asked Attorney Jones to begin the discussion on Sunshine Law and emails. Attorney Jones stated there had been a number of email discussions by the Board of Aldermen on matters that are more suitable for meetings, whether in person or via zoom, rather than in emails. Attorney Jones addressed the prohibition of these types of discussions as contained in the Sunshine Law. He stated it was a function of the definition of public meeting and the notice that is required. He continued to explain that email discussions did not meet the notice requirements and could not be circumvented by emailing the topic singly to each Board member.

Ms. Gillett asked if this would also pertain to phone calls made in a similar manner, Attorney Jones replied yes it would.

Alderman McMunn stated she did not send any emails to a quorum of the Board and included Attorney Jones on the emails to help clarify her questions.

Mayor Fribis stated that all issues should go through the City Administrator, and if warranted, Ms. Gillett would contact the City Attorney with any questions that needed to be addressed. This is in an effort to keep our legal costs down.

Alderman Lieber recapped the recent discussion for clarification. She stated she understood that they were not to contact the City Attorney directly without speaking with the City Administrator first and then requested an explanation of how Sunshine Law was violated in the referenced email. Attorney Jones explained that the initial email was not a violation of Sunshine Law, however the request for legislation outside of a meeting was contrary to the long-standing Board Policy of holding a discussion and then making a motion to direct the City Attorney to prepare legislation on said topic.

Mayor Fribis stated if anyone would like to see legislation drawn up, they should bring it up during General Discussion. She explained that bringing up topics for discussion in this manner was a good way to get an idea of how the rest of the Board felt about an issue and whether or not legislation should be drafted by the City Attorney.

There was lengthy discussion on the numerous ways legislation is drafted for the City. Mayor Fribis reiterated that bringing up a matter during General Discussion is the best way for the Aldermen to initiate legislation.

There was additional discussion in reference to metal buildings in the city and where they were allowed. There was concern about them being constructed in the C-1 commercial district.

Alderman Epperson asked to make a motion that any proposed metal building must go before the Board of Aldermen for review prior to construction.

Alderman Wong seconded the motion.

Ms. Gillett stated we did receive a sample ordinance from Houseal Lavigne regulating guidelines, she stated she could send it to the members for review, however, without an Architectural review Board it was very subjective.

Mr. Baker addressed having an Architectural Review Board. He stated the City had an Architectural Task Force that decided it would be best to hire a third-party person to review the plans submitted and decide whether they met or did not meet guidelines. The Board at the time decided to go with guidelines instead of standards.

Mr. Baker stated the easiest way to address the issue was to limit metal buildings to a specific zoning classification, PD-LI.

Alderman Epperson amended his motion to limit the construction of metal buildings to light industrial-PD-LI.

Alderman Wong withdrew his original second and seconded the new motion. The motion was unanimously approved.

Attorney Jones stated he would prepare the legislation.

b) Emails to businesses within Sunset Hills

There was lengthy discussion in reference to Aldermen emailing developers unilaterally on behalf of the City. Attorney Jones stated the Board members cannot act unilaterally, but must act and speak collectively as a Board. Mayor Fribis reminded the Aldermen that they must go through the City Administrator to address any issues with developers and businesses to ensure they are made fully aware of any circumstances that may exist with the specific developer or business. Mayor Fribis reminded the Board that they had power as a Board not individually per State statute 79.110. Alderman Lieber asked staff to loop the Aldermen in on any issues as a courtesy and to avoid unnecessary time spent on miscommunication. Ms. Gillett agreed with Alderman Lieber and stated that communication would continue to be a priority.

Alderman Wong disagreed with the chain of command procedures discussed. Mayor Fribis reminded the Board the reason we have a City Administrator was to work as a unit. Attorney Jones agreed that it is best practice to notify the City Administrator of any communications so that everyone can stay informed.

Alderman Wong asked about ex-parte communication with developers. Ms. Gillett affirmed that best practice is that individual Board members do not participate in ex parte communication with developers who are going through any process with the City.

c) Permanent Structure Erection

No comments were made

d) Horizon newsletter

Mayor Fribis stated the Horizon newsletter used to be mailed to every resident and business in the City. She stated the City was spending \$30,000 a year and many people threw them in the trash, so the decision was made to save the money and publish the Horizon on the website exclusively.

Alderman Epperson applauded the City for cutting expenditures, however he felt the monthly process of calling to register was burdensome to residents and would like to see an annual registration process for residents still wishing to receive the Horizon in the mail.

Alderman Epperson made a motion to make a budget adjustment to cover the cost of mailing hard copies of the newsletter to any residents still wishing to receive one.

Alderman Lieber seconded the motion and it was unanimously approved.

Mayor Fribis stated the change would take place as of July 1, due to the fact the June newsletter had already been mailed. It was decided to run the registration list with the calendar year.

Alderman Daues asked if it would be possible for each Alderman to have a small section for comments in the newsletter each month. He stated he felt there was ample space in the newsletter in order for them to communicate with their residents. There was a brief discussion on who would monitor the sections as well as a space limitation.

Alderman Lieber asked if the newsletter could be printed in black and white instead of color to save money. Mr. Brown stated he could check into it. Alderman Lieber then asked if the City could just make color copies to distribute. Mayor Fribis asked Mr. Brown to look into all of the suggestions

made and put the information together. Mr. Brown stated he would get the information together and give it to Ms. Gillett for distribution.

e) Pool Opening & Day Camp Procedures

Mr. Brown reviewed the pool and camp procedures for June 12 through September 6, 2021. He stated he would like to keep the opening date as set so they could certify as many lifeguards as possible.

Alderman Lieber asked Mr. Brown if the Parks Department could send out a welcome letter to residents who registered for day camp. Mr. Brown stated absolutely and it would be out by the next week.

f) Hiring Freeze/ Pay schedule for employees

Ms. Gillett stated this would be covered in the mid-year budget review session at the June 22 work session. She stated she should be able to provide some preliminary numbers by the end of the week. Ms. Gillett asked if there were any questions.

Alderman Lieber stated she would like to see a list of open positions within City Hall that they would like filled, and or positions that would help with job functions. Ms. Gillett stated those positions were included in the spreadsheet. Alderman McMunn asked if that information was on the website. Ms. Gillett stated no, we were not advertising to fill the positions because we are in a hiring freeze. They are looking to get that lifted at the end of June.

g) Resident concern regarding flooding

Attorney Jones stated the Board of Adjustment granted a variance for an addition at 9500 S. Geyer Road, which is adjacent to the property of the gentleman who sent in a public comment stating he was consulting with his attorney about the flooding on his property. Attorney Jones stated the Board of Adjustment's decision is subject to appeal within 30 days and asked the Board not to consider this today in a public forum.

h) RFB on the roof at City Hall

Ms. Gillett gave the history on the City Hall roof. There was an overlay done in 2007 with a 20-year manufacturer's warranty. She stated we have leak issues and the contractor for the manufacturer would be out to look at the items. Ms. Gillett stated reason we went out for bid was due to the pooling water on the flat roof, which is not covered as a manufacturer's defect. Ms. Gillett stated the warranty contractor would provide the details in writing and she would provide that to the Board.

Alderman Lieber read from the Board Action memo for the roof bid dated February 9, 2021. She stated all the contractors concluded the roof had exceeded its service life and should be replaced. She then asked for an explanation as to why this went out for bid if it was under warranty.

Alderman Wong made a motion to dismiss Attorney Jones and continue the meeting without him.

Mayor Fribis stated it was 5:30 and it was agreed that the meeting would end at 5:30 with respect to Attorney Jones' obligation.

Alderman Wong stated the meeting could continue without Attorney Jones.

Alderman Daues seconded the motion.

Alderman Price stated he also had a commitment and could not stay to continue the discussion

Alderman Wong stated he wanted to discuss the roof issue Alderman Lieber brought up.

Mayor Fribis asked Mr. Jones what his opinion was on continuing the meeting without him since we always have the City Attorney present during proceedings.

Attorney Jones stated it appeared there were some possible legal courses of action with Firestone, the contractor or the bidding process, and he would like to participate but it was just not possible this evening.

Alderman Wong stated he didn't understand that and then made a motion to adjourn. Alderman McMunn seconded the motion.

Mayor Fribis asked if Alderman Wong was changing his motion. Alderman Wong stated he would withdraw his original motion. Alderman Daues withdrew his second to the original motion.

Alderman Epperson made a motion to continue this to the next meeting. The Mayor stated it would just move to the next agenda.

There was additional discussion on placing the item on the agenda and the specifics of the warranty on file.

ADJOURNMENT:

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

Meeting adjourned at 5:34 p.m.

Deputy City Clerk
Lori Stone