

City of Arnold, Missouri

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Public Hearing  
Council Chambers

April 5, 2007  
7:30 P.M.

- A. An Ordinance Approving a Minor Subdivision/Record Plat Titled “Oak Ridge Acres Plat Three.” (See Agenda Item 7A).
  - B. An Ordinance Approving a Preliminary Plat Titled “Austin Heights.” (See Agenda Item 7B).
  - C. An Ordinance Approving a Minor Subdivision/Record Plat Titled “Palmer Place, Plat Two.” (See Agenda Item 7C).
  - D. An Ordinance Approving a Minor Subdivision/Record Plat Titled “DLJ Properties.” (See Agenda Item 7D).
  - E. An Ordinance Amending the Zoning Ordinance Regarding Notification of Adjacent Property Owners. (See Agenda Item 7E).
  - F. An Ordinance Amending the Subdivision Code Regarding Notification of Adjacent Property Owners. (See Agenda Item 7F).
  - G. An Ordinance Approving a Rezoning a Tract of Land Identified as Lots 1 through 13 of Meyer’s Subdivision and Lot 4 of Water Tower Place from R-5 to C-3. (See Agenda Item 7G).
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Council Meeting

Amended Agenda

Following the Public Hearing

- 1. Pledge of Allegiance
- 2. Opening Prayer
- 3. Roll Call
- 4. Acceptance Of Minutes: March 15, 2007
- 5. Acceptance Of Warrants: Payroll Warrants # 999, #1000; General Warrant #5448
- 6. Business From the Floor
- 7. Ordinances
  - A. **Bill No. 2222:** An Ordinance Approving a Minor Subdivision/Record Plat Titled “Oak Ridge Acres Plat Three.”
  - B. **Bill No. 2223:** An Ordinance Approving a Preliminary Plat Titled “Austin Heights.”
  - C. **Bill No. 2224:** An Ordinance Approving a Minor Subdivision/Record Plat Titled “Palmer Place, Plat Two.”

- D. Bill No. 2225:** An Ordinance Approving a Minor Subdivision/Record Plat Titled “DLJ Properties.”
  - E. Bill No. 2226:** An Ordinance Amending the Zoning Ordinance Regarding Notification of Adjacent Property Owners.
  - F. Bill No. 2227:** An Ordinance Amending the Subdivision Code Regarding Notification of Adjacent Property Owners.
  - G. Bill No. 2228:** An Ordinance Approving a Rezoning a Tract of Land Identified as Lots 1 through 13 of Meyer’s Subdivision and Lot 4 of Water Tower Place from R-5 to C-3.
  - H. Bill No. 2229:** An Ordinance Amending Bill No. 71, Ordinance 2.17 Amending the Traffic Code by Adopting a Specific Policy for Violation of Maximum General Speed Limit or Any Area Posted as Twenty (20) Miles Per Hour Zone.
8. Resolutions
- A. Resolution No. 07-12:** A Resolution to Rename Big Bill Road.
  - B. Resolution No. 07-13:** A Resolution Authorizing a Utility Agreement with Laclede Gas.
9. Motions
- A.** A Motion Awarding the Bid to Purchase an Easement Machine.
  - B.** A Motion Approving Supplemental Agreement No. 1 to Crawford, Murphy & Tilley, Inc. for the Revised Church Road Improvements.
  - C.** A Motion to hold a closed session immediately following the City Council Meeting for the purpose of discussing litigation pursuant to section 610.021 (3), RSMo.
10. New Business
11. Old Business
12. Committee Reports
13. Reports from Mayor and Council
14. Administrative Reports
15. Adjournment

**Next Worksession Meeting: April 12<sup>th</sup> at 7:00 pm**  
**Next Regular Council Meeting: April 19<sup>th</sup> at 7:30 pm**

April 3, 2007

Mayor Mark Powell called the meeting to order at 8:22 p.m. Opening prayer was a silent prayer. Those present per roll call taken by City Clerk Diane Waller: Powell, Cooley, Ems, Vinson (excused), Crisler, Edwards, Venable, Amato, Deckman, Unrein, Waller, Holden, McKenzie, Boone, Sweeney, Shockey, Blue, and Hall.

**ACCEPTANCE OF THE MINUTES:**

Al Ems moved to accept the minutes of the March 15, 2007 meeting if there are no deletions, errors, or corrections. Seconded by Butch Cooley. Roll call vote: Cooley, yes; Ems, yes; Vinson (excused), Crisler, yes; Edwards, yes; Venable, yes; Amato, yes; Deckman, yes; 7 yeas, motion carried.

**ACCEPTANCE OF THE WARRANTS:**

City Clerk Diane Waller read payroll warrant #999. Joyce Deckman moved to pay payroll warrant #999 pay period ending March 9, 2007 in the amount of \$204,928.34 if the monies are available. Seconded by Randy Crisler. Roll call vote: Cooley, yes; Ems, yes; Vinson (excused); Crisler, yes; Edwards, yes; Venable, yes; Amato, yes; Deckman, yes; 7 yeas, motion carried.

City Clerk Diane Waller read payroll warrant #1000. Randy Crisler moved to pay payroll warrant #1000 pay period ending March 28, 2007 in the amount of \$223,157.06 if the monies are available. Seconded by Butch Cooley. Roll call vote: Cooley, yes; Ems, yes; Vinson (excused); Crisler, yes; Edwards, yes; Venable, yes; Amato, yes; Deckman, yes; 7 yeas, motion carried.

City Clerk Diane Waller read general warrant #5448. Butch Cooley moved to pay general warrant #5448 in the amount of \$ 806,700.66 if the monies are available. Seconded by Al Ems. Roll call vote: Cooley, yes, Deckman, yes; Ems, yes; Vinson, (excused), Crisler, yes; Edwards, yes Venable, yes; Amato, yes; 7 yeas, motion carried.

**BUSINESS FROM THE FLOOR:**

Bill Moritz, 3167 Theodore read a prepared statement expressing thanks to those who helped with his recent election. Also complimented Jim Edwards for his years of service to the City of Arnold.

Richard Mersman, Attorney with the Stolar Partnership questioned if the applicant will be allowed to speak later in the meeting or should he address council now. He was advised he would be able to speak prior to the ordinance being voted on.

Mr. Rodgers, 861 Morningside, shared concerns he had regarding Bill #2229. He has had past experiences with folks who are endangering other people's lives.

Mr. Venable asked Chief Shockey to comment.

Chief Shockey instructed Mr. Rodgers to call the Arnold Police Department so they can be aware and involved.

Gary Luebbers, 1890 Edgemont, complimented the election winners. He also expressed his disappointment with the manner in which city is handling the Stutts property and its development. Reiterated concerns and also wanted to bring to council's attention the damage to the road on Missouri State in front of the old 7-11 shop.

Norman Moss, 2270, shared his vision of what could happen in the future with Jeffco Blvd developing and would like to see the area involved in the zoning issue tonight kept residential.

#### ORDINANCES:

Bill #2222 AN ORDINANCE APPROVING A MINOR SUBDIVISION RECORD PLAT TITLED "OAK RIDGE ACRES PLAT THREE" was read twice by City Clerk Diane Waller. Roll call vote: Cooley, yes; Ems, yes; Vinson (excused); Crisler, yes; Edwards, yes; Venable, yes; Amato, yes; Deckman, yes; 7 yeas, ordinance passed.

Bill #2223 AN ORDINANCE APPROVING A PRELIMINARY PLAT TITLE AUSTIN HEIGHTS was read twice by City Clerk Diane Waller. Roll call vote: Cooley, yes; Ems, yes; Vinson (excused); Crisler, yes; Edwards, yes; Venable, yes; Amato, yes; Deckman yes; 7 yeas, ordinance passed.

Bill #2224 AN ORDINANCE APPROVING A MINOR SUBDIVISION/RECORD PLAT TITLED "PALMER PLACE, PLAT TWO" was read twice by City Clerk Diane Waller. Roll call vote: Cooley, yes; Ems, yes; Vinson (excused); Crisler, yes; Edwards, yes; Venable, yes; Amato, yes; Deckman, yes; 7 yeas, ordinance passed.

Bill #2225 AN ORDINANCE APPROVING A MINOR SUBDIVISION/RECORD PLAT TITLED "DLJ PROPERTIES" was read twice by City Clerk Diane Waller. Roll call vote: Cooley, yes; Ems, yes; Vinson (excused); Crisler, yes; Edwards, yes; Venable, yes; Amato, yes; Deckman, yes; 7 yeas, ordinance passed.

Bill #2226 AN ORDINANCE AMENDING THE ZONING ORDINANCE, BILL NO. 285 ORDINANCE NO 14.2 RELATING TO SECTION 12.4, REGARDING NOTIFICATION OF ADJSCENT PROPERTY OWNERS was read twice by City Clerk Diane Waller. Roll call vote: Cooley, yes; Ems, yes; Vinson, (excused); Crisler, yes; Edwards, yes; Venable, no; Amato, no; Deckman, yes; 5 yeas, 2 nays, ordinance passed.

Bill #2227, AN ORDINANCE AMENDING THE SUBDIVISION CODE, BILL NO. 421, ORDINANCE NO. 8.120 RELATING TO SECTION 9 AND SECTION 34 REGARDING NOTIFICATION OF ADJACENT PROPERTY OWNERS was read twice by City Clerk Diane Waller. Roll call vote: Cooley, yes; Ems, yes; Vinson (excused), Crisler, yes; Edwards, yes; Venable, no; Amato, no; Deckman, yes; 5 yeas, 2 nays, ordinance passed.

Bill #2228 – AN ORDINANCE APPROVING A REZONING A TRACT OF LAND IN THE CITY OF ARNOLD, MISSOURI, IDENTIFIED AS LOTS 1 THRU 13 OF MEYER'S SUBDIVISION AND LOT 4 OF WATER TOWN PLACE FROM R-5 TO C-3 was read once by City Clerk Diane Waller.

Attorney Richard Mersman, representing the applicant Stolar Partnership, was allowed to speak briefly. He presented the City Clerk and council some information, which had been previously provided to the Planning and Zoning Commission.

Mayor Powell stated council could ask for a continuance and Attorney Sweeney agreed, as this is a zoning issue and could be continued.

Amato offered a motion that would suggest postponing until the recent information could be reviewed unless Sweeney felt it appropriate to move forward. Venable seconded the motion.

Discussion followed and Amato withdrew his motion and Venable withdrew his second.

A poll was taken to continue this issue rather than vote on tonight. 1 yea, 6 nays.

Mayor questioned if there were any objections to allowing the attorney to speak again and Mr. Edwards voiced his objection.

Bill #2228 was read for the second time and vote taken. Roll call vote: Cooley, yes; Ems, yes; Vinson (excused); Crisler, yes; Edwards, yes; Venable, yes; Amato, yes; Deckman, yes; 7 yeas, ordinance passed.

Bill #2229 AN ORDINANCE AMENDING BILL #71, ORDINANCE 2.17 AMENDING THE TRAFFIC CODE BY ADOPTING A SPECIFIC POLICY FOR VIOLATION OF MAXIMUM GENERAL SPEED LIMIT ON ANY AREA POSTED AS A TWENTY (20) MILES PER HOUR ZONE was read twice and discussed.

Venable requested a change from 3 years to 2 years and a poll was taken to make that change in the ordinance. 7 yeas.

Roll call vote: Cooley, yes; Ems, yes; Vinson (excused) yes; Crisler, yes; Edwards, yes; Venable, yes; Amato, yes; Deckman, yes; 7 yeas, ordinance passed.

## **RESOLUTIONS**

Resolution 07-12 A RESOLUTION RENAMING MOST OF BIG BILL ROAD TO OLD LEMAY FERRY ROAD was briefly discussed.

Al Ems offered a motion to pull and place this subject on the May work session. He then so moved. Seconded by Butch Cooley. Roll call vote: Cooley, yes; Ems, yes; Vinson (excused), Crisler, yes; Edwards, yes; Venable, yes; Amato, yes; Deckman, yes; 7 yeas, motion carried.

Resolution 07-13 A RESOLUTION AUTHORIZING AN AGREEMENT WITH LACLEDE GAS COMPANY FOR RELOCATION OF GAS MAINS ON CHURCH ROAD was offered by Joyce Deckman. She then so moved. Seconded by Jim Edwards.

Roll call vote: Cooley, yes; Ems, yes; Vinson (excused), Crisler, yes; Edwards, yes; Venable, yes; Amato, yes; Deckman, yes; 7 yeas, resolution carried.

## **MOTIONS**

A motion awarding the bid to purchase an easement machine was discussed.

Bids were solicited for the purchase of an easement machine for the sewer department. This piece of equipment will allow the employees to properly clean lines located where access is limited like backyards etc.

Joyce Deckman moved to award a bid for the purchase of the easement Machine for the Arnold Sewer Department to Coe Equipment in an amount not to exceed \$40,325.00 (this amount

includes the trailer). Seconded by Jim Edwards. Roll call vote: Cooley, yes; Ems, yes; Vinson (excused) Crisler, yes; Edwards, yes; Venable, yes; Amato, yes; Deckman, yes; 7 yeas, motion carried.

A motion approving Supplemental Agreement No. 1 to Crawford, Murphy and Tilley, Inc. for the revised Church Road Improvements was discussed. This is for additional services being provided by Crawford, Murphy and Tilley related to Church Road and the THF development.

Randy Crisler moved to authorize the Mayor to sign Supplemental Agreement No. 1 with Crawford, Murphy and Tilley in the amount of \$43,695.19. Seconded by Joyce Deckman. Roll call vote: Cooley, yes; Ems, yes; Vinson (excused), Crisler, yes; Edwards, yes; Venable, yes; Amato, yes; Deckman, yes; 7 yeas, motion carried.

Phil Amato moved to hold a closed session immediately following the City Council Meeting for the purpose of discussing litigation pursuant to section 610.021 (3) RSMo. Seconded by Dave Venable. Roll call vote: Cooley, yes; Ems, yes; Vinson (excused), Crisler, yes; Edwards, yes; Venable, yes; Amato, yes; 7 yeas, motion carried.

### **NEW BUSINESS**

Venable shared that he had seen something on the Internet that could effect the distribution of the fees received from Red Light Camera fines. Mayor indicated these are proposals and the Chief added our contracts can be cancelled if need be.

### **OLD BUSINESS**

Mr. Venable questioned the status of the Ozark Bridge and Mr. Blue responded we are on schedule and following the process in order to get release of federal funds.

### **COMMITTEE REPORTS**

Liquor Committee - No Report

### **REPORTS FROM MAYOR AND COUNCIL**

Ward 4 – Butch Cooley – Announced he was glad the election race was over.

Ward 4 – Al Ems – Thanked Jim Edwards for his years of service to the city. Expressed his dissatisfaction with the newsletter being received so late in the month. It's not good to get information after the fact. Greg Hall responded with a remark that indicated the Journal was responsible for this delay.

Ward 1 – Paul Vinson – excused

Ward 1 – Randy Crisler – Thanked Jim Edwards for his 10 years of service. He also thanked the voters of Ward 1 for supporting him in his re-election efforts.

Ward 2 – Dave Venable – Also thanked Jim Edwards for all he has done for the city. Congratulated Mr. Moritz on being elected.

Ward 2 – Jim Edwards – Congratulated Mr. Moritz on his victory. He also made a comment, remarking how much money the Poors had received for their property yet the Poors claim abuse. He added he wanted to be abused like that.

Ward 3 – Phil Amato - Said he has enjoyed working with Mr. Edwards and wished him well.

Mayor Powell – Acknowledged Mr. Edwards by saying he has always respected him and recognized him for how hard he has worked for the city.

Mayor Powell announced he would be making new seating arrangements for the next meeting.

Mayor Powell complemented Parks and Rec staff for the excellent brochure that has been put together full of information on our Park and Recreational opportunities.

Attorney Bob Sweeney – extended wishes to Jim Edwards

Matt Unrein – dittoed the well wishes for Jim Edwards

Diane Waller – no report

Greg Hall – extended good wishes to Jim Edwards

Scott Gowan – Congratulated the winners in the election

Mary Holden – stated it has been a pleasure working with Jim Edwards and wished him well.

Jeff Blue – Announced the storm water department is up and running

Vivian McKenzie – No Report

Susie Boone – Stated we are patiently waiting for the State to approve the liquor license for the City owned Pomme Creek Golf Course.

Chief Shockey – Announced the storm sirens are up.

A motion to close was offered by Jim Edwards, Seconded by Joyce Deckman.  
Voice vote: motion carried.

The meeting adjourned at 9:25 pm.

Respectfully submitted,

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City Clerk