

City of Arnold, Missouri

Council Meeting
Council Chambers

April 1, 2010
7:00 p.m.

Amended Agenda

1. Pledge of Allegiance
2. Opening Prayer – Mount Carmel General Baptist Church – Pastor Perry Welker
3. Roll Call
4. Acceptance of Minutes: **March 18, 2010**
5. Acceptance of Warrants: **Payroll Warrant #1078- General Warrant #5520**
6. Business from the Floor:
7. Ordinances
 - A. **Bill No. 2374:** An Ordinance Authorizing and Directing the Mayor to Enter into a Settlement Agreement with MR-S Properties, LLC.
 - B. **Bill No. 2375:** An Ordinance Accepting Subdivision Known as Oak Ridge Park.
 - C. **Bill No. 2376:** An Ordinance Establishing a Privacy Policy for the Protection of the Identities of Utility Customers.
 - D. **Bill No. 2377:** An Ordinance Authorizing the Mayor to Sign an Amended and Restated Redevelopment Agreement with ARC/TDD and Drury Development Corporation.
 - E. **Bill No. 2378:** An Ordinance Authorizing the Mayor to Sign a Settlement Agreement with MSD.
8. Resolutions
9. Motions
 - A. A Motion to Authorize Staff to Begin Contract Negotiations with Woolpert Engineering Firm to Provide an Inflow and Infiltration Study.
 - B. A Motion to Hold a Closed Session Immediately Following the City Council Meeting for Litigation Pursuant to Section 610.021 (1), RSMo.

10. New Business
11. Old Business
12. Committee Reports
13. Reports from Mayor and Council
14. Administrative Reports
15. Adjournment

Next Regular Council Meeting April 15, 2010 at 7:00 p.m.
Next Work Session Meeting April 8, 2010 at 7:00 p.m.

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March 31, 2010

REGULAR MEETING

April 1, 2010

COUNCIL CHAMBERS

2101 JEFFCO BLVD

7:00 PM

Mayor Ron Counts called the meeting to order at 7:00 pm.

The Pledge of Allegiance was recited.

Pastor Perry Welker, from Mount Carmel General Baptist Church, offered the opening prayer.

Those present per roll call taken by City Clerk Diane Waller: Counts, Schoenbeck (excused); Poor, Lindsley, Crisler, Hay, Moritz, Connell, Deckman, Unrein, Waller, Holden, Lewis, Tesreau, Boone, Shockey, Baker, Freese and Hall.

ACCEPTANCE OF THE MINUTES:

Matt Hay moved to **amend the minutes of the March 18, 2010 meeting** adding a comment made by Randy Crisler and then read the additional remarks to be included as follows: "Well in the past you know I guess with the sandbags there was a tremendous outpouring of support. I don't think we should stop sandbagging efforts all together. I think it is unwise, and I think it is cold. I do think we need to keep it down to the real property, 3 feet from his foundation, as opposed to 40 feet around his pool. I like Mr. Turner and all, but his pool is not my concern."

Karl Schoenbeck arrived at 7:05 pm.

Jerel Poor seconded Mr. Hay's motion. Roll call vote on **minutes, as amended**: Schoenbeck, yes; Poor, yes; Lindsley, yes; Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; Deckman, abstain; 7 yeas, 1 abstention. **Motion carried.**

A motion to accept the minutes as amended was then offered by Matt Hay and he so moved. Seconded by Jerel Poor. Roll call vote: Schoenbeck, yes; Poor, yes; Lindsley, yes; Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; Deckman, abstain; 7 yeas, 1 abstention. **Motion carried.**

ACCEPTANCE OF THE WARRANTS:

City Clerk Diane Waller read **payroll warrant #1078**. Bob Lindsley **moved** to pay **payroll warrant #1078** pay period ending March 19, 2010 in the amount of \$240,239.20 if the monies are available. Seconded by Jerel Poor. Roll call vote: Schoenbeck, yes; Poor, yes; Lindsley, yes; Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; Deckman, yes; 8 yeas. **Motion carried.**

City Clerk Diane Waller read **general warrant #5520**. Matt Hay **moved to pay general warrant #5520** in the amount of \$392,726.41 if the monies are available.

Seconded by Jerel Poor. Roll call vote: Schoenbeck, yes; Poor, yes; Lindsley, yes; Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; Deckman, yes; 8 yeas, **Motion carried.**

Before business from the floor, Mayor announced a legal decision was obtained on Mr. Crisler's eligibility as a councilman. Dennis Tesreau then introduced, Derrick R. Good who had looked into the legalities and distributed a memo with his findings (attached). He spoke briefly and ended by saying he saw nothing in the law that affects a city council person's ability to continue to serve.

BUSINESS FROM THE FLOOR

The Mayor explained how anyone could speak for up to 3 minutes on any topic, but first must identify himself or herself and state their address.

Mr. Bob Boyer, 2387 Starling Airport, directed a question to Crisler asking if he had done an affidavit when he filed. Mr. Crisler replied that county did not require this.

Mr. Dan Jones, 3822 Baumner, referred to an anticipated vote tonight regarding the sewer inflow and infiltration study. He then spoke highly of Fribis Engineering and was respectfully asking Council for them to be considered for this project as he felt they were capable, qualified and affordable, along with being a local business.

Mr. Jim Chellew, 2825 East Springview, identifying himself as a TIF board member and read a prepared statement and also asked that this opportunity be given to Fribis Engineering.

Mr. Gene Fribis, of Fribis Engineering 3520 Jeffco Blvd., elaborated on his professional background and how he felt he was the most qualified firm and would do a good job.

Ms. Doris Borgelt, 653 Louisa, directed comments to Mr. Crisler, addressing the tax lien issues.

Mr. Crisler replied with "I humbly apologize."

ORDINANCES

Bill No. 2374 AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF ARNOLD TO ENTER INTO A SETTLEMENT AGREEMENT WITH MR-S PROPERTIES, LLC was read twice by City Clerk Diane Waller. Roll call vote: Schoenbeck, yes; Poor, abstain stating conflict of interest; Lindsley, yes; Crisler, yes; Hay, yes; Moritz, yes, Connell, yes; Deckman, yes; 7 yeas, 1 abstention. **Ordinance passed.**

Bill No. 2375 – AN ORDINANCE ACCEPTING SUBDIVISION KNOWN AS OAK RIDGE PARK; AUTHORIZING THE MAYOR OF THE CITY OF ARNOLD, MISSOURI, TO EXECUTE A FORMAL ACCEPTANCE THEREOF; AND PROVIDING FOR THE RECORDING OF SAID ACCEPTANCE. A COPY OF SAID FORMAL ACCEPTANCE IS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE was read twice by City Clerk Diane Waller. Roll call vote: Schoenbeck, yes; Poor, yes; Lindsley, yes; Crisler, yes; Hay, yes; Moritz, yes; Connell, yes, Deckman, yes; 8 yeas, **Ordinance passed.**

Bill No. 2376 – AN ORDINANCE ESTABLISHING A PRIVACY POLICY FOR THE PROTECTION OF THE IDENTITIES OF THE CUSTOMERS OF THE CITY OF ARNOLD OF JEFFERSON COUNTY, MISSOURI, IN CONFORMANCE WITH THE REQUIREMENT OF 16 CODE OF FEDERAL REGULATIONS, PART 681.2, AND PROVIDING FOR AN EFFECTIVE DATE THEREOF was read twice by City Clerk Diane Waller. Roll call vote: Schoenbeck, yes; Poor, yes; Lindsley, yes; Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; Deckman, yes; 8 yeas, **Ordinance passed.**

Bill No. 2377 – AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AMENDED AND RESTATED REDEVELOPMENT AGREEMENT AMONG THE CITY OF ARNOLD, DRURY DEVELOPMENT CORPORATION AND THE ARNOLD RETAIL CORRIDOR TRANSPORTATION DEVELOPEMENT DISTRICT was read twice by City Clerk Diane Waller.

Mark Grimm distributed a Pg 9 Revision and addressed this amendment.

Roll call vote: Schoenbeck, yes; Poor, yes; Lindsley, yes; Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; Deckman, yes; 8 yeas, **Ordinance passed.**

Bill No. 2378 AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF ARNOLD, MISSOURI TO EXECUTE A SETTLEMENT AGREEMENT AND RELEASE TO RESOLVE THE PENDING ARBITRATION MATTER OF THE ST. LOUIS METROPOLITAN SEWER DISTRICT AND THE CITY OF ARNOLD, AND PROVIDING FOR AN EFFECTIVE DATE THEREFOR was read twice by City Clerk Diane Waller. Roll call vote: Schoenbeck, yes; Poor, yes; Lindsley, yes; Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; Deckman, yes; 8 yeas, **Ordinance passed.**

Mr. Moritz wanted it in the **record**. This settlement was reached within the caps voted and directed by the council.

RESOLUTIONS

There were no resolutions.

MOTIONS

A motion to authorize staff to begin contract negotiations with Woolpert to provide an inflow and infiltration Study for the City of Arnold was discussed at length.

Bill Moritz stated he felt strongly council did not have adequate information to make this decision.

Public Works Director Bryson Baker stressed the importance of this study, how staff had reviewed the RFQs, interviewed the firms and how the decision was made to recommend Woolpert.

Bob Lindsley stated he had just listened to earlier statements made by Mr. Jones, Mr. Chellew and Mr. Fribis and stated he had asked Mr. Unrein if Fribis was qualified and he said yes. Mr. Lindsley added he would like to see this contract go to Fribis.

Mr. Moritz again stated he didn't feel he had enough information to make the decision and would like to see a comparison of the firms and an explanation as why a local firm was not being recommended.

Jason Connell asked if points were given for local firms and Mr. Baker stated they were.

Jerel Poor questioned how the scoring was handled in this decision.

Mr. Baker explained the details involved in ranking the firms and how the decision to recommend Woolpert was reached.

Matt Hay said he wanted to see money being spent on this project stay here in town and added Fribis has 30 years experience.

Many questions, concerns and comments were voiced.

Mr. Crisler asked the City Attorney, Tesreau for his comments and Mr. Tesreau stated city must go with the best bid and most qualified.

It was noted this motion is just for proceeding with contract negotiations, there are no dollars involved at this time.

The Mayor expressed he also would like to see the contract go to Fribis.

Karl Schoenbeck asked Mr. Baker for his recommendation and he indicated Woolpert, as they far exceeded all other candidates.

A motion to table was offered by Karl Schoenbeck and seconded by Randy Crisler.

Mr. Unrein added tabling was not appropriate, as a new council would not be bound by this action.

They both withdrew their motion and second.

A motion to authorize staff to begin contract negotiations with Woolpert to provide an inflow and infiltration study for the city of Arnold was offered by Matt Hay and he so moved. Seconded by Randy Crisler. Roll call vote: Schoenbeck, no; Poor, no, Lindsley, no; Crisler, no; Hay, no; Moritz, no; Connell, no; Deckman, no; 8 nays, **motion failed.**

A motion to hold a closed session immediately following this meeting for the purpose of discussing potential litigation RSMo. 610.020 (1) was offered by Bill Moritz and he so moved. Seconded by Jerel Poor. Roll call vote: Schoenbeck, yes; Poor, yes; Lindsley, yes; Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; Deckman, yes; 8 yeas, **Motion carried.**

NEW BUSINESS

Mr. Schoenbeck apologized for being late, citing traffic.

Joyce Deckman left the Chambers at 8:03 p.m.

Jerel Poor and Bill Moritz attended a subdivision meeting and heard some complaints. Mr. Moritz reported he had met earlier this evening with Mary Holden and Bryson Baker regarding these.

OLD BUSINESS

Bob Lindsley asked if the water company could provide occupancy information on a regular basis.

Matt Unrein directed Diane Waller to research this. Both Mary Holden and Diane Waller added the water company has been very cooperative in providing requested information lately.

Jason Connell added he hoped this could be provided before the next billing.

COMMITTEE REPORTS

Bob Lindsley announced upcoming meetings for both Tourism and the Parks Board.

Bill Moritz reported the Liquor Control Committee had met and reviewed the application for **Lomb, Inc. dba Terrazza Grille, 249 Crossroads Center, with Managing Officer Anthony John Lombardo.** They are requesting **a license for intoxicating liquor by the drink and on Sunday.** Mr. Moritz offered a motion and so moved to approve. Seconded by Bob Lindsley. Roll call vote: Schoenbeck, yes; Poor, yes; Lindsley, yes; Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; Deckman, (out of the room); 7 yeas, **motion carried.**

Mr. Moritz also reported the Main Event is again requesting a picnic license for their event May 22. As the city now requires a picnic license, the procedure has changed and they have applied. He then offered a **motion to approve a picnic license for May 22 for the Main Event** and so moved. Roll call vote: Schoenbeck, yes; Poor, yes; Lindsley, yes; Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; Deckman (out of the room); 7 yeas, **motion carried.**

REPORTS FROM MAYOR AND COUNCIL

Mayor Counts – No report

Ward 4 - Karl Schoenbeck – Shared that he had volunteered at the Strawberry Creek Cleanup and added it was enjoyable.

Ward 2 - Bill Moritz – No Report

Ward 3 - Bob Lindsley – Thanked Joyce Deckman for her years with the city and wished her well.

Ward 1 – Randy Crisler – No Report

Ward 3 – Joyce Deckman – No Report

Ward 2 – Jerel Poor - No Report

Ward 4 – Jason Connell – No Report

Ward 1 – Matt Hay – Reported on a new tenant for the old Aldi's location. He stated SOS Church, Spirit of St. Louis, would be occupying that location.

City Administrator Matt Unrein – Stated he and Alan Bornstein had a phone conversation and Mr. Bornstein indicated the VFW issues have been satisfied.

City Clerk Diane Waller - Reported her office will be very busy this month collecting on delinquent sewer bills, getting ready to bill for the current quarter's municipal services, issuing vending licenses, accepting senior utility rebate applications, toilet rebate applications and processing renewals for liquor licenses which are due May 1st. Wished everyone a Happy Easter!

Chief Shockey - Proudly reported, the city is the only city with 100% on our their UCR reporting,

Parks Director Susie Boone – Shared that the Pool and Garden survey is now out in the newsletter and she wants input from the citizens. Thanked Councilmen Karl, Bob and Bill for their help with Strawberry Creek cleanup. She also reported golf course is busy and wished everyone a Happy Bunny Day!

Mary Holden – Wished everyone a Happy Easter

Bryson Baker – Acknowledged that he had distributed the proposed Spring Brush Pickup dates and made council aware of the time and effort this involves with both Street and Parks Departments. Matt Unrein added we should think about a possible drop off site rather than picking up at the residences in the fall.

Matt Hay also suggested we could possibly get assistance from the Boy Scouts who may help and are working on service hours.

Also said city will need RFQ for the architectural design services for the renovation of the old community center. Randy Crisler offered **a motion to do an RFQ for architectural services for the old community center**. Seconded by Jerel Poor. Roll call vote: Schoenbeck, yes; Poor, yes; Lindsley, yes; Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; Deckman (out of the room); 7 yeas, motion carried.

Treasurer Paul Freese -

Attorney Dennis Tesreau – Let everyone know he will be on vacation from April 8th thru April 15th and will have Jack Stewart from his office cover for him.

Finance Director Deb Lewis – Commented on the memo she had distributed regarding projected real estate tax levy and explained how this is now required by statute and advised if anyone had questions, please contact her.

Director of Administration Greg Hall – Explained how the Arnold Update had been printed and mailed out and there was a problem with the paper stock used. The city has been refunded some of the cost as a result.

Mayor announced a 10-minute recess at 8:22 pm and then council will go into closed session.

Meeting resumed at 8:40 pm

A motion to adjourn was offered by Karl Schoenbeck and seconded by Bob Lindsley. Voice vote: all yeas.

Meeting adjourned at 8:40 pm.

Respectfully submitted,

Diane Waller

