

City of Arnold, Missouri

**Public Hearing
Council Chamber**

**April 04, 2019
7:00 p.m.**

- A. 2019-06 Application to Amend Municipal Code Chapter 405 (Zoning) – Tree Preservation Program.

City Council

Immediately Following the Public Hearing

Agenda

1. Pledge of Allegiance:
2. Opening Prayer: Jason Fulbright Ward 1 Councilman
3. Roll Call:
4. Business from the Floor:
5. Consent Agenda:
 - A. Regular Minutes **March 21, 2019**
 - B. Payroll Warrant **#1313 in the Amount of \$291,675.67**
 - C. General Warrant **#5735 in the Amount of \$283,073.52**
6. Ordinances:
 - A. **Bill No. 2729:** An Ordinance Amending Chapter 530 Vacant Structure Registration Providing for Registration, Maintenance, Fees and Penalties Related to Vacant Buildings.
 - B. **Bill No. 2730:** An Ordinance of the City Council of the City of Arnold, Mo. Amending Title II (Public Health, Safety and Welfare) of the Arnold Code of Ordinances with Regard to Telephone Access to Emergency Services.
 - C. **Bill No: 2731:** An Ordinance of the City Council of the City of Arnold, Missouri, Amending Chapter 405 of the Arnold Code of Ordinances.
(Tree Preservation Program)

7. Resolutions:

- A. **Resolution No. 19-21:** A Resolution Authorizing the Mayor to Enter into a Contract with the N.B. West Contracting Company, Inc. to undertake the Ultra-Thin Asphalt Streets Overlay Project for the City of Arnold, MO.
- B. **Resolution No. 19-22:** A Resolution Re-Appointing Individuals to the Police Personnel Board for a Two-Year Term.

8. Motion:

- A. A Motion to Hold a Closed Session Immediately Following the City Council Meeting for the Purpose of Discussing Litigation Pursuant To RSMo Section 610.021 (1).

9. Reports from Mayor, Council, and Committees:

10. Administrative Reports:

11. Adjournment:

Next Regular City Council Meeting April 18, 2019 @ 7:00 p.m.
Next Work Session April 11, 2019 at 7:00 p.m.

The Public Hearing was called to order by Mayor Counts at 7:00 p.m. City Clerk Tammi Casey made note of those in attendance: Mayor Counts, Fulbright, McArthur, Fleischmann, Plunk, Sullivan, Hood, Cooley, Seidenstricker, Richison, Bookless, Sweeney, Brown, Kroupa and Chief Shockey.

A. THE ENCLAVE AT STRAWBERRY RIDGE (RECORD PLAT)

David Bookless informed council that the applicant is seeking approval of the final Record Plat for seven lots (5 two-family homes and 2 single-family homes) to be known as The Enclave at Strawberry Ridge. The Planning Commission discussed this at their March 12, 2019 meeting and is forwarding a recommendation of approval by a vote of 7-0.

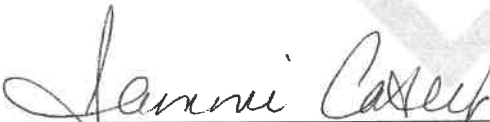
PUBLIC COMMENTS

NONE

COUNCIL COMMENTS

NONE

The Public Hearing ended at 7:01 p.m.


City Clerk Tammi Casey, CMC/MRCC-C

Mayor Ron Counts called the meeting to order at 7:01 p.m.

The Pledge of Allegiance was recited.

Councilman Tim Seidenstricker offered the opening prayer.

Those present per roll call taken by City Clerk Tammi Casey: Mayor Counts, Fulbright, McArthur, Fleischmann, Plunk, Sullivan, Hood, Cooley, Seidenstricker, Richison, Bookless, Lehmann (excused), Sweeney, Brown, Kroupa and Chief Shockey.

Mayor Counts recognized Cedric Sander with Boy Scout Troop 450, who was in the audience working on his Citizenship in the Community Badge.

BUSINESS FROM THE FLOOR

Bill McIlwee, 3195 Rosedale – Reported on the success of the winter clean up performed by Clean Stream. Mr. McIlwee also stated that Strawberry Creek Nature Area is being overrun by honey suckle. He would like to see the city try to remove it because the honey suckle will eventually kill the native plants.

Tammy Alsop with Hochschild Bloom & Co. provided council with an overview of the CAFER for the 2018 fiscal year audit. The city again received an “unaudited opinion”, which is the highest ranking a municipality can receive.

Paul Wamser, 2444 Tenbrook – Stated the lighting issue created by Harbor Freight and Tiger Express is still an issue in his back yard. He is asking council to help him rectify the issue.

CONSENT AGENDA

- A. MINUTES FROM FEBRUARY 21, 2019 MEETING**
- B. PAYROLL WARRANT NO. 1311 IN THE AMOUNT OF \$308,306.02**
- C. PAYROLL WARRANT NO. 1312 IN THE AMOUNT OF \$289,630.78**
- D. GENERAL WARRANT NO. 5733 IN THE AMOUNT OF \$778,204.97**
- E. GENERAL WARRANT NO. 5734 IN THE AMOUNT OF \$514,113.26**

Butch Cooley made a motion and so moved to approve the consent agenda.

Seconded by EJ Fleischmann. Roll call vote: Fulbright, yes; McArthur, yes; Fleischmann, yes; Plunk, yes; Sullivan, yes; Hood, yes; Cooley, yes; Seidenstricker, yes; 8 Yeas: **Consent agenda approved.**

ORDINANCES

BILL NO. 2728 – AN ORDINANCE APPROVING A RECORD PLAT TITLED “THE ENCLAVE AT STRAWBERRY RIDGE” was read twice by City Clerk Tammi Casey. Roll call vote: Fulbright, yes; McArthur, yes; Fleischmann, yes; Plunk, yes; Sullivan, yes; Hood, yes; Cooley, yes; Seidenstricker, yes; 8 Yeas: **Ordinance passed.**

RESOLUTIONS

RESOLUTION NO. 19-18 – A RESOLUTION SUPPORTING MISSOURI HOUSE BILL 584 AND SENATE BILL 114 THAT ADJUST THE FEES THAT LOCAL MOTOR VEHICLE REGISTRATION OFFICES ARE ALLOWED TO CHARGE

Laura Crutchley, President of the Arnold Jaycees spoke about the importance of House Bill 584 and Senate Bill 114 passing. While fees have not increased in 20 plus years, costs have. The Jaycees are a nonprofit group and have continuously donated back to the community for over 30 years. Ms. Crutchley stated she and the Jaycees appreciate the City's support on the passing of these Bills.

State Representative Dan Shaul attended tonight's meeting to show his support regarding this issue. Mr. Shaul stated that it is very important that these Bills pass and informed council how the Bills would move through the house and senate.

Mayor Counts stated that the Arnold Jaycees are one of the few philanthropic agencies in the area that continually give so much back to the community and they deserve the City's support.

EJ Fleischmann made a motion and so moved to approve Resolution No. 19-18. Seconded by Vern Sullivan. Roll call vote: Fulbright, yes; McArthur, yes; Fleischmann, yes; Plunk, yes; Sullivan, yes; Hood, yes; Cooley, yes; Seidenstricker, yes; 8 Yeas: **Resolution approved.**

RESOLUTION NO. 19-15 – A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH ACTION LANDSCAPING FOR CODE ENFORCEMENT GRASS CUTTING SERVICES FOR THE 2019-2020 SEASON

Butch Cooley made a motion and so moved to approve Resolution No. 19-15. Seconded by Gary Plunk. Roll call vote: Fulbright, yes; McArthur, yes; Fleischmann, yes; Plunk, yes; Sullivan, yes; Hood, yes; Cooley, yes; Seidenstricker, yes; 8 Yeas: **Resolution passed.**

RESOLUTION NO. 19-16 – A RESOLUTION AUTHORIZING THE RELEASE OF EASEMENT

Mark Hood made a motion and so moved to approve Resolution No. 19-16.

Seconded by Tim Seidenstricker. Roll call vote: Fulbright, yes; McArthur, yes; Fleischmann, yes; Plunk, yes; Sullivan, yes; Hood, yes; Cooley, yes; Seidenstricker, yes; 8 Yeas: **Resolution passed.**

RESOLUTION NO. 19-17 – A RESOLUTION APPROVING A PROPOSAL FROM JOHNSON CONSULTING FOR A CONVENTION CENTER STUDY

Jason Fulbright made a motion and so moved to approve Resolution No. 19-17.

Seconded by Vern Sullivan. Roll call vote: Fulbright, yes; McArthur, yes; Fleischmann, yes; Plunk, yes; Sullivan, yes; Hood, yes; Cooley, yes; Seidenstricker, yes; 8 Yeas: **Resolution passed.**

RESOLUTION NO. 19-19 – A RESOLUTION RATIFYING THE CITY ADMINISTRATOR'S EMERGENCY APPROVAL OF A CONTRACT WITH KOZENY-WAGNER FOR THE REPAIR OF A DAMAGED EXTERIOR WALL

Jason Fulbright made a motion and so moved to approve Resolution No. 19-19.

Seconded by Mark Hood. Roll call vote: Fulbright, yes; McArthur, yes; Fleischmann, yes; Plunk, yes; Sullivan, yes; Hood, yes; Cooley, yes; Seidenstricker, yes; 8 Yeas: **Resolution passed.**

RESOLUTION NO. 19-20 – A RESOLUTION APPROVING A NEW FULL TIME BUILDING INSPECTOR POSITION AND INCREASING THE PART TIME COURT CLERK TO FULL TIME

Butch Cooley made a motion and so moved to approve Resolution No. 19-20.

Seconded by Gary Plunk. Roll call vote: Fulbright, yes; McArthur, yes; Fleischmann, yes; Plunk, yes; Sullivan, yes; Hood, yes; Cooley, yes; Seidenstricker, yes; 8 Yeas: **Resolution passed.**

MOTIONS

A. A MOTION TO APPROVE THE FIREWORKS DISPLAY FOR THE ANNUAL BLOCK PARTY TO BE HELD ON MAY 10, 2019 AT ST. JOHN'S LUTHERAN CHURCH 3517 JEFFCO BLVD

Butch Cooley made a motion and so moved to approve the fireworks display for St. John's Lutheran Church. Seconded by Tim Seidenstricker. Roll call vote: Fulbright, yes; McArthur, yes; Fleischmann, yes; Plunk, yes; Sullivan, yes; Hood, yes; Cooley, yes; Seidenstricker, yes; 8 Yeas: **Motion carried.**

MOTIONS (CONTINUED)

B. A MOTION TO APPROVE THE FIREWORKS DISPLAY FOR THE PICNIC AT IMMACULATE CONCEPTION CHURCH 2300 CHURCH ROAD ON MAY 18, 2019

Jason Fulbright made a motion and so moved to approve the fireworks display for Immaculate Conception. Seconded by Mark Hood. Roll call vote: Fulbright, yes; McArthur, yes; Fleischmann, yes; Plunk, yes; Sullivan, yes; Hood, yes; Cooley, yes; Seidenstricker, yes; 8 Yeas: **Motion carried.**

C. A MOTION TO HOLD A CLOSED SESSION IMMEDIATELY FOLLOWING THE CITY COUNCIL MEETING FOR THE PURPOSE OF DISCUSSING LITIGATION PURSUANT TO RSMo SECTION 610.021 (1)

Jason Fulbright made a motion and so moved to hold a Closed Session immediately following the council meeting. Seconded by Brian McArthur. Roll call vote: Fulbright, yes; McArthur, yes; Fleischmann, yes; Plunk, yes; Sullivan, yes; Hood, yes; Cooley, yes; Seidenstricker, yes; 8 Yeas: **Motion carried.**

REPORTS FROM MAYOR, COUNCIL AND COMMITTEES

Mayor Counts – Announced the hiring of the City’s new Public Works Director, Judy Wagner. She will begin on October 1, 2019 and will be a wonderful asset to the City. Mayor Counts also stated he has formed another Ad-Hoc Committee to study public transportation in the City. Councilman Tim Siedenstricker will chair the committee, along with committee members Mark Hood, EJ Fleischmann and Vern Sullivan.

Gary Plunk, Ward 4 – Informed council that the Veterans Commission met last night and are working to possibly create another program to assist area veterans.

Vern Sullivan, Ward 3 – Stated that maybe the City could think outside the box to come up with a solution to the lighting senerio at Harbor Freight and Tiger Express Car Wash that would be beneficial to both the commercial stores and the Wamsers.

Jason Fulbright, Ward 1 – Stated he is excited about the new Public Works Director. Mr. Fulbright provided an update for the Street Project Ad Hoc Committee; they are planning another meeting within the next 10 days or so and will be looking into the possibility of acquiring equipment to obtain traffic counts, along with discussing other items.

ADMINISTRATIVE REPORTS

Bryan Richison – Echoed the enthusiasm for the hiring of Ms. Wagner. Tom Palasky has done a great job running the day to day operations of the Public Works Department since Ed Blattner retired and he appreciates everything Tom has done. Mr. Richison also informed everyone that by the looks of things it will be a long spring and summer in regards to flooding issues, but the City is ready to respond if need be.

Chief Shockey – Informed council that the e-mail he sent them last week provided a link to a website that will show flood level possibilities. You simply key in your information and it will determine the flood level.

David Bookless – Thanked council for approving the new inspector position. Mr. Bookless also informed council that he was approached by the Army Corp of Engineers. They inquired as to whether or not the City was still interested in continuing its involvement with the Continuing Authorities Program, which explores options for mitigation projects.

Mayor Counts announced a five minute recess before going into Closed Session.

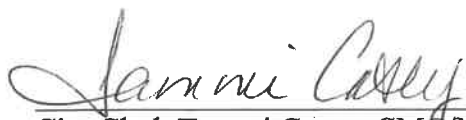
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Closed Session ended at 8:35 p.m.

A motion to adjourn the meeting was made by EJ Fleischmann. Seconded by Vern Sullivan.

Voice vote: All yeas.

Meeting adjourned at 8:35 p.m.


City Clerk Tammi Casey, CMC/MRCC-C

CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: REGULAR SESSION

DATE: 3/21/2019

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BILL NO - RESOLUTION - MOTION

		ROLL CALL	CONSENT AGENDA	BILL NO 2728	RESOLUTION NO 19-18	RESOLUTION NO 19-15	RESOLUTION NO 19-16
COUNCIL MEMBERS:							
MAYOR	RON COUNTS	PRESENT					
COUNCIL:	JASON FULBRIGHT	PRESENT	YES	YES	YES	YES	YES
COUNCIL:	BRIAN MCARTHUR	PRESENT	YES	YES	YES	YES	YES
COUNCIL:	EJ FLEISCHMANN	PRESENT	YES	YES	YES	YES	YES
COUNCIL:	GARY PLUNK	PRESENT	YES	YES	YES	YES	YES
COUNCIL:	VERN SULLIVAN	PRESENT	YES	YES	YES	YES	YES
COUNCIL:	MARK HOOD	PRESENT	YES	YES	YES	YES	YES
COUNCIL:	BUTCH COOLEY	PRESENT	YES	YES	YES	YES	YES
COUNCIL:	TIM SEIDENSTRICKER	PRESENT	YES	YES	YES	YES	YES
CITY ADMINISTRATOR	BRYAN RICHISON	PRESENT	PARKS DIR:	DICKIE BROWN			PRESENT
CITY CLERK	TAMMI CASEY	PRESENT	PUBLIC WORKS:	-			
COM DEV	DAVID BOOKLESS	PRESENT	TREASURER:	DAN KROUPA			PRESENT
FINANCE DIRECTOR	BILL LEHMANN	PRESENT	POLICE DEPT.	CHIEF SHOCKEY			PRESENT
CITY ATTORNEY	BOB SWEENEY	PRESENT					

CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: REGULAR SESSION

DATE: 3/21/2019

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BILL NO - RESOLUTION - MOTION

COUNCIL MEMBERS:

MAYOR RON COUNTS

COUNCIL: JASON FULBRIGHT

COUNCIL: BRIAN MCARTHUR

COUNCIL: EJ FLEISCHMANN

COUNCIL: GARY PLUNK

COUNCIL: VERN SULLIVAN

COUNCIL: MARK HOOD

COUNCIL: BUTCH COOLEY

COUNCIL: TIM SEIDENSTRICKER

CITY ADMINISTRATOR BRYAN RICHISON

CITY CLERK TAMMI CASEY

COM DEV DAVID BOOKLESS

FINANCE DIRECTOR BILL LEHMANN

CITY ATTORNEY BOB SWEENEY

RESOLUTION NO 19-17	RESOLUTION NO 19-19	RESOLUTION NO 19-20	MOTION TO APPROVE FIREWORKS FOR ST JOHN'S LUTHERAN	MOTION TO APPROVE FIREWORKS FOR IMMACULATE CONCEPTION	MOTION TO HOLD CLOSED SESSION
YES	YES	YES	YES	YES	YES
YES	YES	YES	YES	YES	YES
YES	YES	YES	YES	YES	YES
YES	YES	YES	YES	YES	YES
YES	YES	YES	YES	YES	YES
YES	YES	YES	YES	YES	YES
YES	YES	YES	YES	YES	YES
			PARKS DIR:	DICKIE BROWN	
			PUBLIC WORKS:	-	
			TREASURER:	DAN KROUPA	
			POLICE DEPT.	CHIEF SHOCKEY	



CITY COUNCIL AGENDA ITEM STAFF REPORT

MEETING DATE:	April 4, 2019
TITLE:	Vacant Structure Registration Program (Building Amendment)
DEPARTMENT:	Community Development
PROJECT MANAGER:	David B. Bookless, Community Development Director
REQUESTED ACTION:	Ordinance approval
ATTACHMENTS:	Draft Ordinance

EXECUTIVE SUMMARY:

A City-initiated request to amend Title V, Building and Construction, of the Code of Ordinances to amend definitions and regulations related to Chapter 530 Vacant Structure Registration.

REVIEW & ANALYSIS:

At its March 14, 2019 work session, Council directed Staff to prepare a draft ordinance addressing issues related to Staff’s experience with the Vacant Structure Registration program since its March 2018 adoption. To that end, Staff provides the following information:

The program requires the registration of vacant structures, both residential and commercial, to ensure such structures satisfy property maintenance requirements, or are rehabilitated or demolished in a prompt manner. The program includes a fee schedule that, while intended to recover costs associated with the program, may be act as a disincentive to enrolling in the program.

Proposed changes include, but are not limited to, extending the initial period to six months that a structure may remain vacant before being required to enroll in the program to allow for its sale. This longer period is consistent with the length of time it takes most homes in the St. Louis region to sell. Enrollment and initial renewal fees are proposed to be *lowered*, also to encourage compliance. However, once that time has elapsed, renewal and penalty fees *increase incrementally* to account for additional inspections, enforcement actions, etc. associated with longer-term vacancies. Operational changes to the program include a requirement that the owner prepare a “statement of intent” containing specific information regarding the structure and the owners’ plans for rehabilitation, maintenance, demolition and/or removal. Additionally, in order to prevent unauthorized occupation of the structure or “squatting,” the owner will be required to provide the City with a list of all persons authorized to be present in the vacant structure and notices of trespass to the police authorizing the arrest for trespass of individuals not on the list.

RECOMMENDATION:

Staff recommends approval of the draft ordinance attached hereto.

AN ORDINANCE AMENDING CHAPTER 530 VACANT STRUCTURE REGISTRATION PROVIDING FOR REGISTRATION, MAINTENANCE, FEES AND PENALTIES RELATED TO VACANT BUILDINGS

WHEREAS, buildings which remain vacant and unoccupied for any appreciable period of time become a harborage for rodents, an invitation for illegal occupancy and for illegal activities, as well as a fire hazard; and, which remain vacant for extended periods

WHEREAS, unkempt grounds surrounding unoccupied buildings invite dumping and rubbish thereon, that such buildings become dilapidated and contribute to commercial and residential blight, depressing market values of surrounding property; and,

WHEREAS, vacant and unoccupied buildings require additional government services, endanger the public safety and health, and generally remain detrimental to the public good. It is the finding of the City Council that buildings that remain vacant with access points boarded over are unsightly, unsafe and have a significant and negative effect on their surroundings.

WHEREAS, in order to protect the health, safety, morals, and welfare of the citizens of the City of Arnold, to preserve and enhance livability, preserve property values of surrounding buildings, and to ensure that buildings are promptly rehabilitated and/or demolished as appropriate,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ARNOLD, MISSOURI, AS FOLLOWS:

Section 1: Chapter 530 Vacant Structure Registration is hereby amended and replaced by the adoption of a new Chapter 530 to read as follows:

“Chapter 530 Vacant Structure Registration and Maintenance

<u>Section</u>	<u>Title</u>
530.050	Intent and Purpose
530.010	Definitions.
530.020	Property Registration.
530.030	Maintenance and Safety Requirements.
530.040	Registration Fees; Renewal.
530.050	Enforcement, Remedies and Penalties.
530.060	Responsible Parties; Liens.

Section 530.050 Intent and Purpose.

It is the finding of the City Council that properties in the process of foreclosure ("foreclosing" properties) and/or vacant properties are unsightly, unsafe, and have a negative effect on the community. The purpose of this article is to establish a program for identifying, registering and monitoring such foreclosing and/or vacant properties, to set forth the responsibility of all persons with any interest in such properties, including mortgagees, lenders, trustees and service companies, and to speed the rehabilitation and re-occupation of such properties.

Registration fees are reasonably related to and calculated to cover the administrative costs for registering and processing the vacant real property owner registration form and for the costs the City may incur in monitoring and inspecting the vacant or abandoned real property.

Section 530.010 Definitions.

For purposes of this Chapter the following words and phrases shall have the following meanings, except where the context clearly indicates a different meaning:

ABANDONED

1. Any real property where the owner has surrendered, relinquished or given up rights to the real property with the intention of not reclaiming it; or
2. Any real property that is vacant and is under a current notice of default or notice of trustee's sale and is not currently being offered for rent, lease or sale by the owner. Evidence of being currently offered for rent, lease, or sale shall be by a sign posted on the subject property advertising the property for rent, lease, or sale with contact information and current phone number or an active listing in an electronic database accessible to City staff; or
3. Real property that has been the subject of a foreclosure sale where the title was retained by the beneficiary involved in the foreclosure and any real property transferred under a deed in lieu of foreclosure.

AUTHORIZED REPRESENTATIVE

A person, corporation, limited liability company or other legal entity having charge, care or control of any real property as agent of the owner, or as personal representative, trustee, guardian or conservator of the estate of the owner.

CODE

As used in this Chapter, shall refer to the City of Arnold Code of Ordinances, the International Building Code, the International Property Maintenance Code, and the International Residential Code as adopted by the City.

EVIDENCE OF VACANCY

Any condition that on its own, or combined with other conditions present would lead a reasonable person to believe that the property is vacant. Such conditions may include, but are not limited to, overgrown and/or dead vegetation, electricity/water/other utilities turned off, statements by neighbors/passersby/delivery agents or government agents, lack of response to notices, returned or forwarded mail, unsecured doors, absence of, or condition of, personal belongings on the property, habitation by vagrants/transients/trespassers, lack of marketing for purposes of selling or renting property, etc.

OCCUPIED

When a property, residence, or structure is being lived in or used in a manner consistent with its intended use.

OWNER

The person, persons, partnership, corporation, beneficiary, trustee, or other legal entity that holds legal title to any real property.

REAL PROPERTY

All land and structures affixed to or built thereon.

RESPONSIBLE PARTY

Includes real property owners, mortgagees, lenders, trustees, or any other party with legal interest in the real property, and their authorized representatives or agents.

STATEMENT OF INTENT

A form completed by the owner of a vacant structure or the owner's authorized representative, which contains specific information regarding the structure and the owners' plans for rehabilitation, maintenance, demolition and/or removal.

STRUCTURE

Any physical object or edifice that is built or installed and is located on and affixed to the land. The term "structure" shall include any part of a structure.

TRUSTEE

The person, firm, corporation or other legal entity holding a deed of trust secured by real property.

UNDEVELOPED

A parcel of real property that does not have a primary structure built thereon.

VACANT

1. A building or structure that is not legally occupied as required by the Code.
2. Any free standing residential real property that has not been legally occupied for one hundred eighty (180) days.
3. Any free standing commercial or industrial real property that has less than fifty percent (50%) of the total area of the building (excluding stairwells, elevator shafts, and mechanical rooms) being legally occupied or is not being used for occupancy that was authorized for one hundred eighty (180) days.
4. A multifamily residential building or structure containing five (5) or more dwelling units when eighty percent (80%) of the dwelling units are unoccupied.

VACANT STRUCTURE MAINTENANCE STANDARDS

The maintenance standards, to which the vacant structures are subject under this Chapter, are set forth in the Arnold Health and Sanitation Code, the Arnold General Nuisances Code, the International Property Maintenance Code as adopted by the City Council, all other applicable chapters of the Arnold Code of Ordinances, including, but not limited to the Building and Zoning Ordinances of the City, as amended from time to time, and all standards contain within this Chapter.

Section 530.020 Property Registration.

- A. The owner(s) of all real property, or the authorized representative of owner, shall register said real property with the Building Commissioner or designee within fourteen (14) calendar days after the real property meets the definition contained in this Chapter for or becomes classified by the City, based upon evidence of vacancy, as vacant or abandoned.
- B. Owners required to register real property pursuant to this Chapter shall submit a copy of a state-issued identification or other valid proof of identification and provide the following information on a form provided by the Building Commissioner:
 1. The address of the real property.
 2. The name, address, and all telephone numbers of the owner(s).
 3. A mailing address where correspondence may be sent, if different from the property address, where such correspondence will be acknowledged as received by the owner(s). If certified mail/return receipt requested is sent to the address and the mail is returned marked "refused" or "unclaimed," or if ordinary mail sent to the address is returned for whatever reason, then such occurrence shall be prima facie proof that the owner has failed to comply with this requirement.
 4. The names and addresses, telephone numbers, fax numbers, and email address (if known) of all lien holders and all other parties with an ownership interest in the real property.
 5. The name, address, telephone number, fax number, and email address (if known) of the person, firm, or corporation responsible for the care and control of the real property. Such person may be the owner if the owner is an individual, or may be an authorized representative as defined in this Chapter. If certified mail/return receipt requested is sent to the address and the mail is returned marked "refused" or "unclaimed," or if ordinary mail sent to the address is returned for whatever reason, then such occurrence shall be prima facie proof that the owner has failed to comply with this requirement.

6. Permission granting to the City of Arnold access to all exterior areas of the real property for inspection purposes.

7. Completed Statement of Intent form setting forth the following:

- i. The expected period of vacancy (including the date of initial vacancy);
- ii. The plan (including timeline) for regular maintenance during the vacancy to comply with the vacant structure maintenance standards of this Chapter and all of the applicable property maintenance, building and zoning codes of the City;
- iii. A plan and time line for the lawful occupancy, rehabilitation, removal or demolition of the structure;
- iv. Measures/plans (including timelines) to be taken to ensure that the structure will be kept weather tight and secure from trespassers and that it will be safe for entry by police officers, firefighters and code or building inspectors in time of exigent circumstances or emergency as well as at times of reasonable inspection;
- v. Measures (and timeline) to be taken to assure that the premises remain free from nuisance conditions and in good order in conformance with the vacant structure maintenance standards;
- vi. A list all persons authorized to be present in the structure; and
- vii. Notices of trespass to the police authorizing the arrest for trespass of individuals not on the above list.

C. The Owner shall, within fourteen (14) calendar days of registering the property, complete the removal of all:

1. Combustible materials from the structure in compliance with the applicable fire regulations;
2. Waste, rubbish or debris from the interior and exterior of the structure; and
3. Excessive vegetation, including grass in excess of eight (8) inches from the yard(s) surrounding the vacant structure in accordance with City ordinances.
4. Secure all windows, doors, and other openings in the structure to prohibit entry by unauthorized persons as provided in the ordinances of the City.

- D. If at any time the information contained in this registration is no longer valid or has changed, the owner or authorized representative has fourteen (14) calendar days to file an amended registration form containing the current information. There shall be no fee required to update the current owner's information.
- E. **Obligation to Renew Registration and Continue to Satisfy the Requirements of this Chapter.**
1. The owner(s) of all real property, or the authorized representative of owner, shall renew registration of said real property with the Building Commissioner or designee based upon the renewal schedule contained in this Chapter.
 2. The obligations of the Owner are continuing obligations which are effective throughout the time of the structure's vacancy, as that term is defined in this Chapter.
- F. **Exceptions, Registration.**
1. Single family homes or owner occupied 2-family properties that have been used as a residence by the owner for a period of at least five (5) months within the previous twelve (12) months and the owner intends to resume residing at the property, and for those properties which are under active, ongoing rehabilitation or reconstruction and have a building permit from the City. It shall be the responsibility of the owner to demonstrate the applicability of this exception to the City in order to qualify therewith.

Section 530.030 Maintenance and Safety Requirements.

- A. The real property subject to this Chapter shall be maintained in compliance with the Codes as adopted by the City as further defined herein as Vacant Structure Maintenance Standards. Compliance, includes, but is not limited to the following: properties shall be kept free of weeds, grass more than eight (8) inches in height, trash, junk, debris, building materials, accumulation of newspapers, circulars, flyers, notices, except those required by law, discarded items, including but not limited to furniture, clothing, large and small appliances, printed material, signage, containers, equipment, construction materials, derelict vehicles, or any other items that give the appearance that the real property is abandoned.
- B. All visible front and side yards shall be landscaped and properly maintained. Landscaping, includes, but is not limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or mulch designed and maintained in an appropriate manner. Landscaping does not include weeds, gravel, broken concrete, asphalt, decomposed materials, plastic sheeting, indoor-outdoor carpeting or any similar material. Maintenance, includes, but is not limited to, regular watering, irrigation, cutting, pruning and mowing of required landscaping and removal of all trimmings.

- C. Pools, spas, and other water features shall be kept in working order so that water remains clear and free of pollutants and debris, or drained and kept dry and free of debris. In either case, properties with pools or spas must comply with the minimum-security fencing and barrier requirements of the Code.
- D. Real properties subject to this Chapter shall be maintained in a weather-tight and secure manner so as not to be accessible to unauthorized persons. Secure manner, includes, but is not limited to, the closure and locking of windows, doors, gates and any other opening of such size that it may allow people, animals, or wildlife to access the interior of the real property. Broken windows must be repaired or replaced within seven (7) days. Boarding up of broken windows is prohibited except as a temporary measure.
 - 1. It is the policy of the City that boarding up of a vacant property is a temporary solution to prevent unauthorized entry into a vacant building and that boarded buildings are a public nuisance. A vacant structure may not remain boarded up for longer than six (6) months unless an extension of that time is approved by the Building Commissioner in writing.
- E. If the real property is owned by a corporation and/or a beneficiary, trustee, or if the owner is located more than fifty (50) miles away, the corporation, beneficiary, trustee, or owner shall designate a local authorized representative who will be responsible to maintain the real property in compliance with the provisions of this Chapter. A local authorized representative must be located within a fifty (50) mile radius of the City of Arnold and be available during a majority of the working week (Monday through Friday, 8:00 a.m. to 5 p.m.).

Section 530.035 Required Liability Insurance.

- A. It shall be the responsibility of the owner or owner's authorized agent to maintain liability insurance on all vacant and registered properties under their control. Proof of evidence of such insurance shall be filed with the City. Minimum insurance amounts are as follows:
 - 1. Residential properties of one or two units: \$250,000
 - 2. Residential properties of three or more units: \$500,000
 - 3. Commercial, manufacturing, storage or any nonresidential property: \$1,000,000

Section 530.040 Registration Fees; Renewal.

- A. The owner of a vacant or abandoned real property shall pay a fee of fifty dollars (\$50.00) per real property for the initial twelve (12) month registration of the property

no later than fourteen (14) calendar days after the real property meets the definition contained herein for or becomes classified by the City, based upon evidence of vacancy, as vacant or abandoned.

- B. The fee for renewing the vacant property registration shall be fifty dollars (\$50) and shall cover a period of six (6) months following renewal and shall continue at the same rate for one (1) additional six (6) month renewal period for a total of twelve (12) months.
- C. If a property remains in foreclosure, abandoned or vacant beyond twenty-four (24) months (e.g. Initial registration period plus two (2) renewal periods), the following may apply based on continuing and/or increased enforcement-related activities and administrative costs:
 - 1. An increased renewal registration fee of one hundred dollars (\$100.00) per six (6) month period that such properties remain in foreclosure, abandoned or vacant.
 - 2. A fine of not less than fifty dollars (\$50.00) per month for properties that are vacant for at least three (3) years and thereafter.
 - 3. This renewal registration fees and monthly fines schedule are intended to run with the land not with the Owner, such that the twenty-four (24) months do not begin again if a new Owner or other party becomes involved with the property.
- D. All fees and penalties required by this Chapter shall be paid in full prior to the issuance of any building or occupancy permit. All delinquent fees and penalties shall be paid in full prior to any transfer of an ownership interest in any vacant or abandoned real property. If a transfer occurs prior to the payment of any outstanding fee or penalty, the new owner shall accept responsibility for payment of all delinquent fees; and, shall make payment no later than thirty (30) days after the transfer of ownership and subsequent semi-annual fees shall be due fourteen (14) calendar days after each successive six (6) month period.
- E. Payment of the applicable registration fee(s) does not relieve or exempt the Owner or other Person from paying any and all fines, penalties, costs or other such charges assessed for non-compliance with property maintenance standards or other code provisions in this article or elsewhere in the City's ordinances.

Section 530.050 Enforcement, Remedies and Penalties.

- A. This Chapter shall be enforced by the Building Commissioner or designee.

- B. Any owner or responsible party that fails to comply with the registration requirements of this Chapter shall be subject to the general penalty provisions as provided Section 100.140 of the Code of Ordinances of Arnold Missouri.
- C. Notwithstanding the provisions of this article, the City shall retain the right afforded under relevant State or local law to declare a non-compliant vacant structure unsafe and/or a public nuisance. The City may pursue whatever legal recourse afforded to it by law, including, but not limited to, action to abate a public nuisance or an action seeking the demolition of a dangerous and unsafe building.

Section 530.060 Responsible Parties; Liens.

- A. Every responsible party with respect to any vacant property shall be jointly and severally liable with every other responsible party for the obligations set forth in this Chapter. All fees, costs and charges assessed or incurred by the City shall constitute a lien on the real estate upon which such vacant structure is situated.”

Section 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and City Council.

READ TWO TIMES, PASSED AND APPROVED THIS _____ DAY OF MARCH 2019.

 Presiding Officer of the Council

 Mayor Ron Counts

ATTEST:

 City Clerk Tammi Casey

1st reading: _____
 2nd reading: _____

APPROVED AS TO FORM:

 City Attorney Robert Sweeney



CITY COUNCIL AGENDA ITEM STAFF REPORT

MEETING DATE:	April 4, 2019
TITLE:	911 Telephone Access (Public Health, Safety and Welfare Amendment)
DEPARTMENT:	Community Development
PROJECT MANAGER:	David B. Bookless, Community Development Director
REQUESTED ACTION:	Ordinance approval
ATTACHMENTS:	(1) Draft Ordinance (2) Two related newspaper articles

EXECUTIVE SUMMARY:

A City-initiated request to amend Title II, Public Health, Safety and Welfare, of the Code of Ordinances to establish Chapter 260 Emergency Services to require all multi-line telephone systems operated by a lodging establishment or other covered business to dial 911 directly without the use of access codes.

REVIEW & ANALYSIS:

At its March 14, 2019 work session, Council directed Staff to prepare a draft ordinance addressing the issue. For additional background, Staff provides the following information:

One of the most basic duties of any city is to protect the health and safety of residents and visitors. “911” is the United States’ universal emergency assistance line; however, many telephone systems for hotels, schools, and other businesses require that a user dial an additional number to obtain an outside line. When persons unfamiliar with such a telephone system are unable to reach emergency services in a crisis, disastrous results may occur.

This became a national issue following an occurrence on December 1, 2013, when Kari Hunt’s estranged husband fatally attacked her in a Texas hotel. Her nine-year-old daughter tried calling 911 during the struggle, but was unable to make a connection because she did not realize she first needed to dial “9” for an outside line (*See attached*). Many states, counties, and municipalities have responded by passing the so-called “Kari’s Law” to address the issue. The Federal government has announced its intention to follow suit, however its timeline is unclear. The draft before you is consistent with “Kari’s law” model legislation.

Tragic stories like Kari's illustrate the necessity of having multi-line telephone systems that directly dial 911 immediately. Experts on multi-line telephone systems state that direct-dial 911 services is possible in most systems with a software update. In cases where a software update is not possible, rather than require expensive hardware upgrades, Staff recommends that the business be required to place a sticker on or near all phones informing users of the need to dial an access code before dialing 911.

RECOMMENDATION:

Staff recommends approval of the draft ordinance attached hereto.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARNOLD, MISSOURI,
AMENDING TITLE II (PUBLIC HEALTH, SAFETY AND WELFARE) OF THE
ARNOLD CODE OF ORDINANCES WITH REGARD TO TELEPHONE ACCESS TO
EMERGENCY SERVICES.

WHEREAS, the City of Arnold strives to protect the health and safety of City residents and visitors to the City; and

WHEREAS, the City Council finds and determines that 911 is the United States' universal emergency assistance line; and

WHEREAS, the City Council further finds that many telephone systems for lodging establishments and businesses require that a user dial an additional number to obtain an outside line; and

WHEREAS, the City Council determines that persons unfamiliar with such a telephone system will be unable to reach emergency services in a crisis, which can lead to disastrous results; and

WHEREAS, the City Council finds that, on December 1, 2013, Kari Hunt was fatally attacked in a Texas hotel by her estranged husband; and

WHEREAS, the City Council further finds that Kari's nine-year-old daughter tried calling 911 during the struggle, but was unable to make a connection because she didn't realize she needed to first dial 9 for an outside line; and

WHEREAS, the City Council also determines that tragic stories like Kari's illustrate the necessity of having multi-line telephone systems that directly dial 911 without delay; and

WHEREAS, the City Council further determines that experts on multi-line telephone systems state that direct-dial 911 services can be provided in most systems through updating of software; and

WHEREAS, the City Council further finds that the City should ensure that lodging establishments and businesses that are open to the general public allow for direct dialing of 911; and

WHEREAS, the City Council also finds that all businesses and schools should be encouraged to update their multi-line telephone systems to allow direct dialing of 911 to protect the health and safety of their employees; and

WHEREAS, the City Council desires to require all multi-line telephone systems operated by a lodging establishment or covered business within the City of Arnold to directly dial 911 without the use of access codes; and

WHEREAS, the City Council of the City of Arnold desires to establish Chapter 260 of the Arnold Code of Ordinances; and

WHEREAS, the City Council voted to amend Title II (Public Health, Safety and Welfare) of the Arnold Code of Ordinances.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARNOLD, MISSOURI, AS FOLLOWS:

SECTION 1. That Title II (Public Health, Safety and Welfare) of the Arnold Code of Ordinances is hereby amended by the addition thereto of Chapter 260 entitled "Emergency Services," to be read in its entirety as follows:

"Chapter 260. Emergency Services

Article I. Telephone Access

Section 260.010 Intent and Purpose.

- A. This Council hereby finds and determines that the City of Arnold strives to protect the health and safety of City residents and visitors to the City. This Council further finds and determines that 911 is the United States' universal emergency assistance line. This Council finds that many telephone systems for lodging establishments and businesses require that a user dial an additional number to obtain an outside line. This Council determines that persons unfamiliar with such a telephone system will be unable to reach emergency services in a crisis, which can lead to disastrous results.
- B. This Council also finds that, on December 1, 2013, Kari Hunt was fatally attacked in a Texas hotel by her estranged husband. This Council further finds that Kari's nine-year-old daughter tried calling 911 during the struggle, but was unable to make a connection because she didn't realize she needed to first dial 9 for an outside line. This Council also determines that tragic stories like Kari's illustrate the necessity of having multi-line telephone systems that directly dial 911 without delay.
- C. This Council further determines that experts on multi-line telephone systems state that direct-dial 911 services can be provided in most systems through updating of software. This Council further finds that the City should ensure that lodging establishments and businesses that are open to the general public allow for direct dialing of 911. This Council also finds that all businesses and schools should be encouraged to update their multi-line telephone systems to allow direct dialing of 911 to protect the health and safety of their employees.

Therefore, the purpose of this article is to require all multi-line telephone systems operated by a lodging establishment or covered business within the City of Arnold to directly dial 911 without the use of access codes.

Section 260.020 Definitions.

As used in this article, the following terms shall have the meaning indicated:

COVERED BUSINESS

Any business establishment, professional or governmental office, hospital, school, private club, or religious institution facility, which is accessed or occupied by the general public, employees, or workers.

LODGING ESTABLISHMENT

Any building, group of buildings, structure, facility, place, or places of business where five (5) or more guest rooms are provided, which is owned, maintained, or operated by any person and which is kept, used, maintained, advertised or held out to the public for hire and which can be construed to be a hotel, motel, motor hotel, apartment hotel, tourist court, resort, tourist home, bunkhouse, dormitory, or other similar place by whatever name called, and includes all such accommodations operated for hire as lodging establishments.

MULTI-LINE TELEPHONE SYSTEM

Any system comprised of common control unit(s), telephone sets, control hardware and software, and adjunct systems which enables users to make and receive telephone calls using shared resources such as telephone network trunks or data link bandwidth. This term includes, but is not limited to, network-based and premises-based systems such as Centrex service, premises-based, hosted and cloud-based VoIP, as well as PBX, Hybrid and Key Telephone Systems, as classified by the FCC under Part 68 of its rules.

Section 260.030 Direction connection to 911 required.

- A. All lodging establishments and covered businesses which operate a multi-line telephone system in the City of Arnold shall configure said system to allow any call to 911 on the system to be directly connected to a public safety answering point without the use of an access code.
- B. All lodging establishments and covered businesses which operate a multi-line telephone system in the City of Arnold shall ensure that the configuration of said system will also allow any call made on their system where the system's existing access code is dialed prior to dialing 911 to be directly connected to a public safety answering point.
- C. When feasible, without improving system hardware, all lodging establishments and covered businesses shall configure their multi-line telephone system to provide notification of any 911 call made on its system to a centralized location on the same site as the system.

Section 260.040 Exemptions.

The requirements set forth in Section 260.030 of this article shall not apply to any lodging establishment or covered business that would be required to upgrade the hardware of its telephone network to meet said requirements. However, these exempted entities shall be required to place an instructional sticker on or immediately adjacent to each telephone informing users of the phone's inability to directly dial 911 and the procedures to follow in case of an emergency. Each instructional sticker shall be printed in bold, easy-to-read font in a contrasting color with a minimum print size of sixteen-point font.

Section 260.050 Right to utilize 911 emergency services.

No lodging establishment or covered business, or any representative thereof, shall instruct, cajole, penalize, or otherwise prohibit employees or members of the public, including, but not limited to, guests and visitors from directly contacting emergency services via telephone systems operated by said lodging establishment or covered business nor shall they instruct, cajole, penalize, or otherwise prohibit employees or members of the public, including, but not limited to, guests and visitors from directly contacting emergency services via any other communication device including, but not limited to cellular telephones and radio appliances.

Every covered business and lodging establishment shall post, in a conspicuous place, in the office or public room, and in every guest room of said lodging establishment, a printed copy of paragraph one of this section.

Section 260.060 Enforcement.

Police Officers of the City of Arnold shall have the authority to enforce the Sections of this Chapter.

Section 260.070 Penalties for offenses.

Notwithstanding anything to the contrary in Section 100.140 of the Arnold Code, failure to satisfy any of the conditions of this article shall be considered a separate violation and is punishable by a fine of one hundred dollars (\$100.00) per violation without further warnings or notices being issued. Each day that the violation(s) shall continue shall be considered a separate violation. For purposes of clarification, each violation of this article by a covered business or lodging establishment, which is in violation of this article, shall be a separate violation, and each day that such violation continues shall be a separate violation, such that the fine of one hundred dollars (\$100.00) shall apply per violation per day.

Section 260.080 Applicability.

This article shall apply to all actions occurring on or after the effective date of this ordinance.

Section 260.090 When effective.

Due to the critical nature of the health and safety provisions contained herein, this article shall take effect immediately subsequent to the adoption by the City Council.

If a covered business or lodging establishment is not able to comply with this article by its effective date then the City Council may, upon application of the covered business or lodging establishment's owner/operator, provide a thirty (30) day extension before enforcement action may proceed.

SECTION 2. If any part of this Ordinance is found to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction, such invalidity shall not affect the validity or effectiveness of the remaining provisions of this Ordinance or any

part thereof and said Ordinance shall be read as if said invalid provision was struck therefrom and the context thereof changed accordingly with the remainder of the Ordinance to be and remain in full force and effect.

SECTION 3. All ordinances, resolutions or orders, or parts thereof, which conflict with the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed.

SECTION 4. This ordinance shall be in full force and effect from and after its passage and approval.

READ TWO TIMES, PASSED AND APPROVED ON THIS _____ DAY OF _____, 2019.

Presiding Officer of the Council

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

First Reading: _____

Second Reading: _____

APPROVED AS TO FORM:

City Attorney Robert Sweeney



CITY COUNCIL AGENDA ITEM 6C STAFF REPORT

MEETING DATE:	April 4, 2019
TITLE:	Tree Preservation Program (Text Amendment)
DEPARTMENT:	Community Development
PROJECT MANAGER:	Christie Hull-Bettale, Community Development Engineer
REQUESTED ACTION:	Ordinance approval
ATTACHMENTS:	(1) Report to Planning Commission (2) Draft Planning Commission Meeting Minutes (3) Draft Ordinance

EXECUTIVE SUMMARY:

A City-initiated request to amend Chapter 405, Zoning, of the Code of Ordinances to modify definitions and regulations related to Article IV Tree Preservation Program.

REVIEW & ANALYSIS:

The Tree Preservation Program Ordinance has been in place since May 2014. It was drafted with the intent of limiting the clear cutting of trees, preserving natural wooded areas for benefit with storm water runoff, and reducing the need to plant new trees. The ordinance has generally functioned as intended, however, there have been a few unintended consequences that Staff is proposing to address with this amendment.

Particular issues include when a property owner wishes to subdivide land where no grading or public improvements are proposed, and where the property owner wishes to build a home on a large lot without extensive grading proposed beyond the footprint of the building. As the Code reads today, both situations would require the property owner submit a Tree Preservation Plan. Other changes relate to the consistent use of terminology.

RECOMMENDATION:

At their March 12, 2019 meeting, the Planning Commission, by a vote of 7 to 0, voted to recommend approval of the proposed text amendments to the Zoning Ordinance contained in the attached draft ordinance.



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

APPLICATION #: 2019-06

APPLICATION NAME: Application to Amend Municipal Code Chapter 405 (Zoning) - Tree Preservation Program

APPLICANT: City of Arnold

REQUEST: A City-initiated request to amend Chapter 405, Zoning, of the Code of Ordinances to modify definitions and regulations related to the preservation of trees prior to grading or development.

MEETING DATE: March 12, 2019

REPORT DATE: March 5, 2019

CASE MANAGER: Christie R Hull Bettale, EIT

RECOMMENDATION: **APPROVAL**



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

BACKGROUND

The City's Zoning Ordinance (Ord. No. 14.2) was adopted by the City Council on June 30, 1977. A number of amendments have been approved since that time with the most recent being on February 21, 2019. Even the best ordinances become out of date. Periodic revision is essential if the ordinances are to establish and maintain a rational land use pattern. Changes, however, should not be made in an arbitrary manner. Significant updates to the Zoning and Subdivision Ordinances are best undertaken following an update of the Comprehensive Plan. The rationale for this approach is that the Ordinances are the implementation tools of the Plan and should reflect its goals and policies. Nevertheless, clarification of information contained in the Zoning Ordinance may be appropriate at any time. Occasionally, unforeseen issues may need to be addressed on an ad hoc basis.

A major update to the Comprehensive Plan is anticipated to be completed, and a significant update of the Zoning Ordinances that may include significant policy or regulatory changes would likely follow. However, the purpose of this request is to provide clarification and consistency in interpretations of the Zoning Ordinance.

DISCUSSION/ANALYSIS

The Tree Preservation Program Ordinance has been on the books since May 2014. It was written and codified with the intent to limit grading that results in the clear cutting of trees, to keep natural wooded areas for benefit with stormwater runoff and to reduce the need to plant new trees. Since then, the code has functioned as intended. However over time, as the code is utilized by staff, we've noticed some room for updates.

By the exact word that it is written, the Tree Preservation Program Ordinance hinders the zoning procedures for some typical land owners. Specifically, those wanting to subdivide land without grading or public improvements and those who want to build a home on a lot without extensive grading beyond the footprint of the building. The way the code is currently, there are not exemptions and these owners are required to have a Tree Preservation Plan, this is not what was intended. A new paragraph is drafted for exempted properties.

Other minor changes include, terminology, Definitions, location of the Penalty's and Appeals paragraph. These modifications as well as staff's proposal to include a Missouri Licensed Landscape Architect as an acceptable professional to prepare a Tree Preservation Plan, are shown in the drafted ordinance changes.

Staff believes the issue can be best approached by making a number of changes to the Code summarized as follows:

- Establish a number of exceptions that address the development of a single-family home, while considering the possibility of future development.
- Clarification of terms are made, changes for consistency throughout the section, and added a statement to clarify intent.

REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



FINDINGS AND RECOMMENDATION

SUCH AMENDMENT IS REQUIRED BY PUBLIC NECESSITY AND CONVENIENCE AND GENERAL WELFARE

The Community Development Director finds that the text amendments contained within application number 2019-06 are warranted by the public necessity and convenience to provide clarification in the enforcement of the Zoning Ordinance.

The Community Development Director finds that the text amendments contained within application number 2019-06 are warranted by the need to promote and protect the general welfare by protecting the economic and tax base of the City, preserving and enhancing the values of property owners and users, promoting the orderly and harmonious development and redevelopment of the City, preserving and promoting the character and stability of the City and its various residential and commercial neighborhoods, improving the appearance of the City, and promoting the best use and development of commercial land in accordance with the Comprehensive Plan.

RECOMMENDATION

The Director of Community Development finds that the proposed text amendments meet or exceed review criteria and further advances the intent of Chapter 405. Based on this finding the Director of Community Development requests favorable consideration of the draft amendments.

A handwritten signature in cursive script that reads "Christie R Hull Bettale".

Christie R Hull Bettale, EIT
Community Development Engineer



REPORT TO PLANNING COMMISSION
CITY OF ARNOLD

ATTACHMENTS

REPORT TO PLANNING COMMISSION
CITY OF ARNOLD



Proposed Amendments Legend

Unchanged text in black

Additions are in blue underscored text

Deletions are in ~~red strikethrough text~~

Relocations are in green double underscore/~~strike-through~~

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DRAFT AMENDMENT LANGUAGE

2019-06 Tree Preservation TEXT AMENDMENT



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

DRAFT AMENDMENT IS ATTACHED

DRAFT AMENDMENT LANGUAGE—CONTINUED

Tree Preservation



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

APPLICATION #: 2019-06

APPLICATION NAME: Application to Amend Municipal Code Chapter 405
(Zoning) - Tree Preservation Program

APPLICANT: City of Arnold

REQUEST: A City-initiated request to amend Chapter 405, Zoning, of the Code of Ordinances to modify definitions and regulations related to the preservation of trees prior to grading or development.

MEETING DATE: March 12, 2019

REPORT DATE: March 5, 2019

CASE MANAGER: Christie R Hull Bettale, EIT

RECOMMENDATION: **APPROVAL**



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

BACKGROUND

The City's Zoning Ordinance (Ord. No. 14.2) was adopted by the City Council on June 30, 1977. A number of amendments have been approved since that time with the most recent being on February 21, 2019. Even the best ordinances become out of date. Periodic revision is essential if the ordinances are to establish and maintain a rational land use pattern. Changes, however, should not be made in an arbitrary manner. Significant updates to the Zoning and Subdivision Ordinances are best undertaken following an update of the Comprehensive Plan. The rationale for this approach is that the Ordinances are the implementation tools of the Plan and should reflect its goals and policies. Nevertheless, clarification of information contained in the Zoning Ordinance may be appropriate at any time. Occasionally, unforeseen issues may need to be addressed on an ad hoc basis.

A major update to the Comprehensive Plan is anticipated to be completed, and a significant update of the Zoning Ordinances that may include significant policy or regulatory changes would likely follow. However, the purpose of this request is to provide clarification and consistency in interpretations of the Zoning Ordinance.

DISCUSSION/ANALYSIS

The Tree Preservation Program Ordinance has been on the books since May 2014. It was written and codified with the intent to limit grading that results in the clear cutting of trees, to keep natural wooded areas for benefit with stormwater runoff and to reduce the need to plant new trees. Since then, the code has functioned as intended. However over time, as the code is utilized by staff, we've noticed some room for updates.

By the exact word that it is written, the Tree Preservation Program Ordinance hinders the zoning procedures for some typical land owners. Specifically, those wanting to subdivide land without grading or public improvements and those who want to build a home on a lot without extensive grading beyond the footprint of the building. The way the code is currently, there are not exemptions and these owners are required to have a Tree Preservation Plan, this is not what was intended. A new paragraph is drafted for exempted properties.

Other minor changes include, terminology, Definitions, location of the Penalty's and Appeals paragraph. These modifications as well as staff's proposal to include a Missouri Licensed Landscape Architect as an acceptable professional to prepare a Tree Preservation Plan, are shown in the drafted ordinance changes.

Staff believes the issue can be best approached by making a number of changes to the Code summarized as follows:

- Establish a number of exceptions that address the development of a single-family home, while considering the possibility of future development.
- Clarification of terms are made, changes for consistency throughout the section, and added a statement to clarify intent.

REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



FINDINGS AND RECOMMENDATION

SUCH AMENDMENT IS REQUIRED BY PUBLIC NECESSITY AND CONVENIENCE AND GENERAL WELFARE

The Community Development Director finds that the text amendments contained within application number 2019-06 are warranted by the public necessity and convenience to provide clarification in the enforcement of the Zoning Ordinance.

The Community Development Director finds that the text amendments contained within application number 2019-06 are warranted by the need to promote and protect the general welfare by protecting the economic and tax base of the City, preserving and enhancing the values of property owners and users, promoting the orderly and harmonious development and redevelopment of the City, preserving and promoting the character and stability of the City and its various residential and commercial neighborhoods, improving the appearance of the City, and promoting the best use and development of commercial land in accordance with the Comprehensive Plan.

RECOMMENDATION

The Director of Community Development finds that the proposed text amendments meet or exceed review criteria and further advances the intent of Chapter 405. Based on this finding the Director of Community Development requests favorable consideration of the draft amendments.

A handwritten signature in cursive script that reads "Christie R Hull Bettale".

Christie R Hull Bettale, EIT
Community Development Engineer



REPORT TO PLANNING COMMISSION
CITY OF ARNOLD

ATTACHMENTS

REPORT TO PLANNING COMMISSION
CITY OF ARNOLD



Proposed Amendments Legend

Unchanged text in black

Additions are in blue underscored text

Deletions are in ~~red strikethrough text~~

Relocations are in green double underscore/strike-through

THIS SECTION INTENTIONALLY LEFT BLANK.

DRAFT AMENDMENT LANGUAGE

2019-06 Tree Preservation TEXT AMENDMENT



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

DRAFT AMENDMENT IS ATTACHED

DRAFT AMENDMENT LANGUAGE—CONTINUED

Tree Preservation



**PLANNING COMMISSION MEETING
CITY HALL COUNCIL CHAMBERS
MARCH 12, 2019**

MINUTES

The regular meeting of the Arnold Planning Commission was called to order by Vice Chairman Frank Kutilek at 7:00 p.m. The Pledge of Allegiance was recited by those in attendance.

ROLL CALL OF COMMISSIONERS: Del Williams, John Tucker, Brian McArthur, Alan Bess, Frank Kutilek, Jeff Campbell, Andrew Sutton (excused), Chris Ford (excused), Justin Lurk, David Bookless, Sarah Turner, Christie Hull-Bettale and Bob Sweeney. 7 voting members present, 2 excused.

REVIEW AND APPROVAL OF AGENDA: Jeff asked that on the agenda, Frank Kutilek should replace him as the "Second".

Motion by Jeff Campbell to approve the agenda as amended. **Second** by Del Williams. Voice Vote – *Unanimously Approved.*

APPROVAL OF MINUTES: Motion by Jeff Campbell to approve the minutes from the February 12, 2019 meeting as presented. **Second** by Del Williams. Voice Vote - *Unanimously Approved.*

PUBLIC COMMENT: None

PUBLIC HEARINGS:

- **2019-04: CONDITIONAL USE PERMIT, DOG DAYCARE AT 2160 TENBROOK RD:** City Planner, Sarah Turner, gave a brief presentation explaining that Philip and Melanie Pieper are prospective tenants and have submitted a Conditional Use Permit application to use the property at 2160 Tenbrook Rd. as a Dog Daycare with optional boarding services. They propose adding a yard adjacent to the existing building where there is currently parking lot. The property is zoned C-4 and the C-4 Development conditionally allows the uses of Pet Daycare and optional Pet Overnight Boarding. According to the applicants, their current location is being sold by the owner. The property they are looking to relocate to is adjacent to where they are now. They are also proposing to construct a fenced-in green space area at the rear of the building to take pets outside. The only concern Staff has is the single family dwelling immediately south of the property. The distance between the side of the commercial office building that would be used as a Pet Daycare and the fence of the residential property is thirty (30) feet. However, this residential use is a legal non-conforming use and the Future Land Use Map from the Comprehensive Plan designates this area as commercially zoned. This proposal is nearly identical to the proposal they successfully made in October of 2018 when the applicants initially desired to open a Pet Daycare in the City. Sarah also informed the Commission that since Playful Paws has been open, there have been no complaints of a nuisance. Staff finds he proposed Conditional Use Permit meets the review criteria and further advances the C-4 Planned Commercial Development Zoning Ordinance and the Comprehensive Plan. Based on this finding, Staff requests favorable consideration of the application subject to the ten (10) conditions found in Exhibit in attachments.

Brian McArthur asked if Staff has heard from the homeowner. Sarah Turner stated she has not.

Frank Kutilek questioned if this will be dogs only or dogs and cats.

Melanie Pieper, owner of Playful Paws stated it would be dogs only.

David Foust, renter at 2168 Tenbrook, has a newborn baby, concerned of the potential barking; concerned of the potential danger when his daughter is playing outside; concerned with the foot traffic from the school and the kids wanting to see the dogs.

Melanie Pieper stated there will be two (2) fences between where the dogs will be outside and the residence; they have taken measures to prevent any sounds coming from the interior of the building; with the height of the fences, you shouldn't be able to see the dogs.

Brian McArthur verified that the fence is going on the back side. Mrs. Pieper stated yes it is.

John Tucker asked if the dogs run loose in the yard. Mrs. Pieper stated the dogs are always supervised.

Del Williams feels this is something the City of Arnold needs.

John Tucker asked how tall the fence is at the residence. Sarah Turner stated it was six (6) foot.

- **2019-05: CONDITIONAL USE PERMIT, DERMATOLOGY OUTPATIENT CLINIC AT 3783/3789 VOGEL RD.** City Planner, Sarah Turner, gave a brief presentation on behalf of Meramec Dermatology LLC, who is a prospective tenant requesting approval of a Conditional Use Permit for a Dermatology Outpatient Clinic to be located at 3783-3789 Vogel Rd. This site is in the C-3 Commercial District, which allows for clinics on a conditional basis. Staff is concerned about overnight stays and if there are enough ADA parking spaces to meet the needs of their clients. Staff finds that the proposed Conditional Use Permit meets the review criteria and is in compliance with the Zoning Ordinance and Comprehensive Plan. Based on this finding, Staff requests favorable consideration of the application subject to conditions contained in Exhibit A in Attachments.
- **2019-07: RECORD PLAT/MINOR SUBDIVISION, 12 LOTS, THE ENCLAVE AT STRAWBERRY RIDGE.** Engineer, Christie Hull-Bettale, gave a brief presentation on behalf of Horizon View Development, who is requesting record plat approval for seven (7) lots. The approximately 7.36 acre tract is located at the back portion of Strawberry Ridge Subdivision near the intersection of Strawberry Ridge Dr. and Guardian Ct. They have proposed five (5) lots that contain two-family homes and two (2) lots containing single-family. Commission has already approved the Display House Plat. Staff has reviewed The Enclave at Strawberry Ridge Record Plat and finds the proposed plat to substantially conform to the requirements of RSMo 89.410 and the Subdivision Ordinance of the City of Arnold, subject to the establishment of any required easements, and recommends favorable consideration of the application subject to conditions contained in Exhibit A in Attachments.
- **2019-06: A CITY-INITIATED REQUEST TO AMEND CHAPTER 405, ZONING, OF THE CODE OF ORDINANCES TO MODIFY DEFINITIONS AND REGULATIONS RELATED TO ARTICLE IV TREE PRESERVATION.** City Engineer, Christie Hull-Bettale, gave a brief presentation on the proposed modifications to the Tree Preservation Program that was adopted in 2017. The Tree Preservation Program Ordinance has been in place since May 2014. It was drafted with the intent of limiting the clear cutting of trees, preserving natural wooded areas for benefit with storm water runoff, and reducing the need to plant new trees. The way it is currently written, the program hinders the zoning procedures for some typical land owners. Specifically, those wanting to subdivide land without grading or public improvements and those who want to

build a home on a lot without extensive grading beyond the footprint of the building. There are no exemptions currently in the code and these owners are required to have a Tree Preservation Plan, this is not what was intended. The three (3) main changes are as follows:

- Establish a number of exceptions that address the development of a single-family home, while considering the possibility of future development.
- Clarification of terms are made, changes for consistency throughout the section, and added a statement to clarify intent.
- A Missouri Licensed Landscape Architect is an acceptable professional to prepare a Tree Ordinance Plan.

The Director of Community Development finds that the proposed text amendments meet or exceed review criteria and further advances the intent of Chapter 405. Based on this finding, the Director of Community Development requests favorable consideration of the draft amendments.

OLD BUSINESS: None

NEW BUSINESS:

- **2019-04: CONDITIONAL USE PERMIT, DOG DAYCARE AT 2160 TENBROOK RD:** Jeff Campbell asked if the relocated fencing would have a gap between the bottom of the fence and the pavement and if so, how much.

Sarah Turner stated that from what she knows, they are going to be tearing out the pavement and putting in a grass area but she is not sure if it will be on the grass or on the pavement. If there is a gap it would only be a couple of inches.

Jeff Campbell said his concern is that an animal could get under the fence.

David Bookless stated that when they go through the permit process, Staff will make sure there is no gap large enough that a dog could squeeze under it.

Motion by Jeff Campbell to approve 2019-04, Conditional Use Permit for a Dog Daycare at 2160 Tenbrook Rd. with the following ten (10) conditions:

1. Pet Daycare must be offered as a primary service.
2. Boarding adjacent to Residential zoning:
 - a. For the interior housing and play area, the building will employ the sound-proofing measures of installing wool batt insulation and sound-baffled air intake and discharge to allow for the quiet enjoyment of the surrounding residential properties.
 - b. For the interior housing and play area, no operable windows allowed, and fixed windows (if provided) must be double glazed. Light from non-operable skylights is allowed.

c. Conditional Use Permit — Boarding Option: expiration is one year from approval with possibility for renewal.

3. Exercise in exterior areas is not permitted between the hours of 9:00 pm and 7:00 am.
4. Animals must be supervised at all times by a caregiver in exterior areas.
5. Signs must be posted to instruct pet owners to keep animals on leashes or in crates until they are inside the building or behind security gates and prohibits animals without leashes to be in the parking or driveway areas.
6. All interior and exterior areas must be kept in a sanitary condition and trash pick-up must be scheduled as frequently as necessary to prevent odors and other nuisances to surrounding properties.
7. All fences must be well-maintained and in good condition at all times.
8. Site plan shall be provided and identify the location of exterior area to be used. Sight proof fencing, six foot (6 ft) high, around all exterior yard areas intended for animal use.
9. Conditional Use Permit, Business License, and Occupancy Permit may be revoked if any nuisance is not mitigated to satisfaction of the City.
10. Approval for Conditional Use Permit does not supersede other local, state or federal requirements.

Second by Del Williams. Roll call vote: Justin Lurk, yes; Brian McArthur, yes; Alan Bess, no; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes. 6 yeas, 1 nay – *Motion Approved.*

- **2019-05: CONDITIONAL USE PERMIT, DERMATOLOGY OUTPATIENT CLINIC AT 3783/3789 VOGEL RD:** Brian McArthur is concerned that we are seeing more and more of these clinics going into retail spaces.

David Bookless agreed that we are seeing more and more of these, but feels it's the nature of the market these days.

Motion by Jeff Campbell to approve 2019-05, Conditional Use Permit, Dermatology Outpatient Clinic at 3783/3789 Vogel Rd. with the following four (4) conditions:

1. Overnight stays are prohibited.
2. Allocated parking area as shown in Exhibit C must provide reasonable parking accommodations for persons with disabilities and comply with Federal ADA regulations.
3. Rock Community Fire Protection District requirements:
 - a. Interior finish permits shall be submitted to Rock Community Fire Protection District from all contractors permitting.
 - b. New Occupancy Permit shall be completed by owner.
4. Approval for Conditional Use Permit does not supersede other local, state or federal requirements.

Second by Del Williams. Roll call vote: Justin Lurk, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes. 7 yeas, 0 nays – *Motion Approved.*

- **2019-07: RECORD PLAT/MINOR SUBDIVISION, 12 LOTS, THE ENCLAVE AT STRAWBERRY RIDGE:** Motion by Jeff Campbell to approve 2019-07, Record Plat/Minor Subdivision, 12 Lots, The Enclave at Strawberry Ridge with the following five (5) conditions:
 1. Correct and make necessary changes to the Stormwater Operations & Maintenance Plan, provide for staff review.
 2. Fire District comments must be addressed.
 3. Coordinate with Rock Creek Sewer, Don Daniels, regarding sewer easement.
 4. The existing water easement on Lot 5 requires vacation prior to building permit issuance for this lot.
 5. Owners representative to establish escrow prior to Record Plat signatures:
 - a. For staff review and approval, provide a list and cost estimate for all remaining subdivision improvements, which may include but are not limited to: finish bio-basin, landscape as proposed including street trees and sod within the right of way, sidewalks, street & fire lane signs, street lights, guardrail, etc.
 - b. Execute the agreement Guaranteeing Subdivision Improvements with support funding.

Second by Justin Lurk. Roll call vote: Justin Lurk, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes. 7 yeas, 0 nays – ***Motion Approved.***

- **2019-06: A CITY-INITIATED REQUEST TO AMEND CHAPTER 405, ZONING, OF THE CODE OF ORDINANCES TO MODIFY DEFINITIONS AND REGULATIONS RELATED TO ARTICLE IV TREE PRESERVATION:** Justin Lurk commented that under the Premium Trees section, “Zoning Code” is used whereas everywhere else it is “Zoning Ordinance”.

Brian McArthur questioned a couple of the proposed changes which David Bookless addressed.

Motion by Jeff Campbell to approve 2019-06, a City-Initiated request to amend Chapter 405, Zoning, of the Code Ordinances to modify definitions and regulations related to Article IV Tree Preservation. Second by Brian McArthur. Roll call vote: Justin Lurk, yes; Brian McArthur, yes; Alan Bess, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes. 7 yeas, 0 nays – ***Motion Approved.***

STAFF UPDATE:

- David Bookless – There is nothing on the Agenda for the March 26th meeting if you would like to cancel it. There will be a meeting on April 9th and Cedarhurst will be on the Agenda. Future projects: medical marijuana related businesses; changing regulations with regard to Hotels.

Frank Kutilek asked if everyone wanted to **cancel the March 26th meeting** – all agreed.

- Sarah Turner – No Report
- Christie Hull-Bettale – No Report

- Bob Sweeney – No Report

COMMISSIONERS UPDATE:

- Del Williams – no report
- John Tucker – no report
- Justin Lurk – no report
- Alan Bess – no report
- Jeff Campbell – no report
- Frank Kutilek – asked for an update on the crosswalk for MOD Pizza. Christie commented that she would follow up with the inspector.

COUNCIL LIAISON REPORT

- Brian McArthur – referred to medical offices/clinics/schools, etc. going into retail spaces and asked if we should change those businesses to a use by right instead of a Conditional Use. David Bookless explained that a Conditional Use Permit allows you to regulate certain things.

NEXT SCHEDULED MEETING: APRIL 9, 2019

ADJOURNMENT: Meeting adjourned at 8:02 p.m.

Respectfully Submitted,

Alan Bess
Planning Commission Secretary

**PLANNING COMMISSION
ROLL CALL SHEET**

DATE:	3/12/2019						
CALLED TO ORDER:	7:00 P.M.						
ADJOURNMENT:	8:02 P.M.						
		ROLL CALL	2019-04 - APPROVED	2019-05 - APPROVED	2019-07 - APPROVED	2019-06 - APPROVED	
CHRIS FORD	EXCUSED						
JUSTIN LURK	P	Y	Y	Y	Y		
BRIAN MCARTHUR	P	Y	Y	Y	Y		
ALAN BESS	P	N	Y	Y	Y		
JOHN TUCKER	P	Y	Y	Y	Y		
FRANK KUTILEK	P	Y	Y	Y	Y		
JEFF CAMPBELL	P	Y	Y	Y	Y		
DEL WILLIAMS	P	Y	Y	Y	Y		
ANDREW SUTTON	EXCUSED						
DAVID BOOKLESS	P	NO VOTE					
SARAH TURNER	P	NO VOTE					
CHRISTIE HULL-BETTALE	P	NO VOTE					
CITY ATTORNEY ROBERT SWEENEY	P	NO VOTE					

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARNOLD, MISSOURI,
AMENDING CHAPTER 405 OF THE ARNOLD CODE OF ORDINANCES
(*Tree Preservation Program*)**

WHEREAS, the aesthetics of the City of Arnold and the health, safety and welfare of the general public are impacted by development that involves the removal of existing trees; and

WHEREAS, the typical construction practice is to clear cut a site for development; and

WHEREAS, the wholesale clear cutting of a site accelerates storm water runoff impacting the site and nearby properties, and:

WHEREAS, the wholesale clear cutting of a site accelerates erosion of the site, and;

WHEREAS, the individual homeowner does not typically clear cut their property, and;

WHEREAS, the City of Arnold Comprehensive Plan indicates the residents of Arnold do not want to see the existing development patterns repeated, and;

WHEREAS, the City of Arnold Comprehensive Plan indicates the preservation of trees is an important factor in good planning practice and is important to the residents of Arnold, and;

WHEREAS, the staff of the City of Arnold has reviewed the City's Code of Ordinances and the Tree Preservation Program; and

WHEREAS, staff has determined that certain modifications to the City's Code of Ordinances are warranted for clarity and to better satisfy the Planning Commission and City Council's intent of the original ordinance amendment; and

WHEREAS, the Planning Commission has submitted its report and recommendation to the City Council on the proposed amendments to Chapter 405 of the Arnold Code of Ordinances; and

WHEREAS, the City Council of the City of Arnold desires to amend Chapter 405 of the Arnold Code of Ordinances; and

WHEREAS, the proper public hearings have been held, pursuant to City Ordinance and the laws of the state of Missouri; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARNOLD, MISSOURI, AS FOLLOWS:

SECTION 1. Section 405.540, entitled "Purpose and Intent," of the Arnold Code of Ordinances is hereby deleted in its entirety and substituting in lieu the following:

"Section 405.540 Purpose and Intent.

The purpose of this Section is to promote the public health, safety, and general welfare of the residents of the City of Arnold by providing tree preservation standards. These standards represent an ongoing effort to enhance the quality and appearance of developed properties, protect existing natural resources, minimize storm water runoff, buffer differing land uses and conserve the value of land and buildings throughout the City, and meet the goals of our residents as identified in our Comprehensive Plan. The overall goal of this preservation plan is to preserve as many trees as possible and avoid having developers and builders spend extra funds to plant new trees. Provided exemptions to the standards contained in this Article are not intended to provide a mechanism to avoid fulfilling the preservation requirements contained herein.”

SECTION 2. Section 405.545, entitled “Applicability,” of the Arnold Code of Ordinances is hereby deleted in its entirety and substituting in lieu the following:

“Section 405.545 Applicability.

Except as otherwise provided by law, this Article shall be applicable when trees are to be removed in conjunction with new development, as defined herein, in all zoning classifications identified within the Zoning Ordinance of the City of Arnold, Missouri hereinafter referred to as “the Zoning Ordinance.””

SECTION 3. Section 405.550, entitled “Definitions,” of the Arnold Code of Ordinances is hereby deleted in its entirety and substituting in lieu the following:

“Section 405.550 Definitions.

As used in this Article, the following terms shall have these prescribed meanings:

CALIPER

Caliper (diameter) measurement of the trunk of proposed new and replacement trees to be planted shall be taken six (6) inches above the ground up to and including four-inch caliper size. If the caliper at six (6) inches above the ground exceeds four (4) inches, the caliper should be measured at twelve (12) inches above the ground (American Standard for Nursery Stock, ANSIZ60.1-2004). Caliper measurement should be performed using a diameter measuring tape. Measure the tree trunk circumference and divide by 3.14 to find the diameter of the trunk.

DESIRABLE TREES

Trees from the approved tree list in the Zoning Ordinance that have a DBH of five (5) inches and greater for deciduous trees or five (5) feet and greater for evergreen trees.

DIAMETER BREAST HEIGHT (DBH)

Diameter measurement of an existing tree trunk taken at 4.5 feet above the ground. Diameter measurement should be performed using a diameter measuring tape. Measure the tree trunk circumference and divide by 3.14 to find the diameter of the trunk.

INVASIVE TREES OR PLANTS

Species as identified by the United States Department of Agriculture and/or Missouri Department of Conservation.

NEW DEVELOPMENT

The subdivision of any lot or contiguous lots of land three (3) acres or more in size or the grading of one-half (½) acre or more on any portion of any lot or contiguous lots of land three (3) acres or more in size, or the construction of any building or structure upon any lot or contiguous lots of land three (3) acres or more in size.

PREMIUM TREES

Trees not on the list of prohibited trees in the Zoning Ordinance that have a caliper of ten (10) inches or more or eight (8) feet or higher for evergreens.

TREE DRIP-LINE

The outer existing tree canopy circumference projected perpendicular onto the ground, where rain water would drip from the outer tree leaf tips to the ground. The drip-line includes the tree canopy area within the circumference of the tree.

TREE PROTECTION ZONE (CRITICAL ROOT ZONE)

The area extending from the trunk of a tree to ten (10) feet beyond its perimeter tree drip-line that must be protected and remain undisturbed throughout construction.

UNDESIRABLE TREES

Trees from the "Plant Material Not Allowed" list in the Zoning Ordinance, or trees that are known to be messy (drop large fruit, drop drupe fruit, drop large nuts over one (1) inch in diameter, drop large seed pods over three (3) inches in length, consistently drop twigs), have weak wood, have untreatable pests, or are uncontrollably invasive. The following trees are exempt: Black Walnut, Extra Large Pecan, Mixed Hickory, Pecan, Persimmon, Wild Plum, Sycamore and Missouri natives."

SECTION 4. Section 405.555, entitled "Preservation Requirements," of the Arnold Code of Ordinances is hereby deleted in its entirety and substituting in lieu the following:

"Section 405.555 Preservation Requirements.

Thirty-five percent (35%) of the existing trees must be preserved by the owner/developer of the site. City of Arnold staff may approve removal of up to sixty-five percent (65%) of the existing site trees as part of the tree preservation and ultimate development plan."

SECTION 5. Section 405.560, entitled "Tree Preservation Plan Required," of the Arnold Code of Ordinances is hereby deleted in its entirety and substituting in lieu the following:

"Section 405.560 Tree Preservation Plan Required.

- A. Provide the surveyed location and DBH of existing deciduous trees of five (5) inch DBH or greater, existing evergreen trees five (5) feet in height or greater, perimeter of existing shrub and tree masses over twenty-four (24) inches in height on the site utility and topographic survey for the development. Provide the surveyed location of any other existing trees and shrubs around existing buildings or structures desired to be considered for satisfaction of landscape planting requirements. The site existing conditions utility and topographic survey, with tree and vegetative masses shown, shall be submitted along with the Tree Preservation Plan, and shall serve as the basis of the proposed Tree Preservation Plan.
- B. A Tree Preservation Plan is required when trees are to be removed in all zone classifications identified in the Zoning Ordinance and must include the following information:
 1. The following plan may be prepared by a Licensed Land Surveyor or Professional Engineer:
 - a. The Tree Preservation Plan must include a written statement of the proposed work to be accomplished and a site plan;
 - b. The Tree Preservation Plan must use the site utility and topographic survey as the base, showing all current existing structures, utility lines and structures and site topography indicated at a maximum of two (2) foot contours.
 - c. The Tree Preservation Plan must show the location of proposed grading, the proposed structure(s) and associated parking, as well as all existing and proposed utility cuts, hard surface and right-of-way.
 2. The following plan must be prepared, signed, and sealed by an International Society of Arboriculture (ISA) certified Arborist or a Missouri licensed Landscape Architect:
 - a. The Tree Preservation Plan must include the location and species of existing, DBH and measured tree drip-line of existing trees with a DBH of five (5) inches or more for deciduous trees or five (5) feet or more in height for evergreens. The plan must also indicate whether the trees are to be preserved or removed and outline the methods of tree or root pruning required in the effort to preserve the tree or trees if applicable. The Tree Preservation Plan should match the scale and orientation of the original site survey drawing.
 - b. Show the number, size and species of additional trees to be planted in a planting schedule and reference the trees on the plan with a planting symbol representing and measuring its expected mature canopy size along with a lettered key with tree quantity indicated. All trees to be planted must be from the approved tree list in the

Zoning Ordinance. Refer to Section 405.565, Replacement Requirements, below.

- c. Provide a planting schedule with the following information for each tree: two (2) to four (4) letter identification key code, botanical name, common name, size (DBH or height), condition (balled and burlapped or container size), remarks (single stem, multi-stem, etc.), spacing (typical spacing between plants, if applicable).

C. A Tree Preservation Plan is not required for New Development as exempted below unless such New Development causes a major adverse impact to runoff and diversion of storm water or streams, erosion, risk of landslide, infiltration of pollution into ground water, or major adverse impacts to safety and security of adjacent properties, as determined by the Community Development Director or assigns:

1. When such New Development is limited to the re-subdivision of developed land and no additional land disturbance is proposed. In such cases, subdivision approval shall be so conditioned to include a requirement that any further subdivision of any portion of such land, any grading, or any construction shall warrant a Tree Preservation Plan regardless of tract or parcel size.
2. When such New Development is limited to the grading for and/or the construction of one (1) single- or two-family house, and no subdivision of land is involved. In such cases, grading and building permit approval shall be so conditioned to include a requirement that any future subdivision of such land shall warrant a Tree Preservation Plan regardless of tract or parcel size.”

SECTION 6.

Section 405.565, entitled “Replacement Requirements,” of the Arnold Code of Ordinances is hereby deleted in its entirety and substituting in lieu the following:

“Section 405.565 Replacement Requirements.

Any tree with a DBH of five (5) inches or more for deciduous trees, or five (5) feet or more in height for evergreens, to be removed from the required thirty-five percent (35%) preserved area shall be replaced DBH for DBH with deciduous trees and height for height with evergreens of the tree removed. The minimum size of the replacement tree is six (6) inch DBH for deciduous trees or six (6) feet in height for evergreens. The replacement trees do not count towards the landscape requirements provided for in the Zoning Ordinance.”

SECTION 7.

Section 405.570, entitled “Credit,” of the Arnold Code of Ordinances is hereby deleted in its entirety and substituting in lieu the following:

“Section 405.570 Credit.

- A. For every one percent (1%) of existing trees saved above the required thirty-five percent (35%), the developer shall be credited toward the landscape requirements in the Zoning Ordinance as follows:
1. Undesirable trees not on the City's banned tree list shall be credited for two percent (2%) toward landscape requirements.
 2. Desirable trees shall be credited for three percent (3%) toward landscape requirements.
 3. Desirable trees in the fifteen-foot buffer area around the property shall be credited for four percent (4%) toward landscape requirements.
 4. Premium trees kept shall count as double. In the fifteen-foot buffer area it shall be credited as eight percent (8%) and in other areas it shall be six percent (6%) toward landscape requirements.
 5. Storm water systems using best management practices such as rain gardens, or equivalent (not traditional detention basin) may receive up to a three percent (3%) credit toward the tree preservation plan.
- B. In order to minimize interference with overhead utility lines, all large canopy shade trees and evergreen trees located within existing and proposed overhead utility easements shall be removed by the applicant so as to limit the potential for damage to utility distribution facilities. Specific trees and landscaping materials may be retained if they will not damage or interfere with the delivery of utility service at normal mature height. Trees removed from existing/proposed utility easements shall count toward the sixty-five percent (65%) removed.
- C. Any land for right-of-way dedication to a political subdivision of the State shall not be included in tree preservation calculations or credits.”

SECTION 8.

Section 405.575, entitled “Marking of Trees,” of the Arnold Code of Ordinances is hereby deleted in its entirety and substituting in lieu the following:

“Section 405.575 Marking of Trees.

Prior to any tree removal or commencement of construction on a site and during the plan approval process, the following uniform colored ribbon system shall be used: Red for trees to be saved; blue for trees to be removed.”

SECTION 9.

Section 405.580, entitled “Protection Measures During Construction,” of the Arnold Code of Ordinances is hereby deleted in its entirety and substituting in lieu the following:

“Section 405.580 Protection Measures During Construction.

All trees on public or private property that are designated for preservation shall be guarded by a four-foot high barrier that designates the enclosed area as a tree

protection zone. This enclosure shall extend ten (10) feet past the tree canopy. No building materials, waste materials, excess dirt, construction debris, equipment or vehicles shall be allowed within this protection zone.”

SECTION 10. Section 405.585, entitled “Protection Measures After Construction,” of the Arnold Code of Ordinances is hereby deleted in its entirety and substituting in lieu the following:

“Section 405.585 Protection Measures After Construction.

The trees preserved and planted must be maintained by the owner or developer in a healthy growing condition for two (2) years after the issuance of an occupancy permit. Plant materials that exhibit damage must be restored to healthy condition or replaced DBH for DBH within the next growing season.”

SECTION 11. Section 405.590, entitled “Tree Preservation Easement,” of the Arnold Code of Ordinances is hereby deleted in its entirety and substituting in lieu the following:

“Section 405.590 Tree Preservation Easement.

Trees designated for preservation must be placed in a tree preservation easement with script indicating they are not to be removed.”

SECTION 12. Section 405.595, entitled “Penalties and Appeals,” of the Arnold Code of Ordinances is hereby deleted in its entirety and substituting in lieu the following:

“Section 405.595 Variances.

A. Variances from the strict requirements of this Article must be made in writing to the Planning Commission outlining the justification for variance that addresses the following criteria:

1. The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which is located.
2. The conditions upon which the request for a variance is based are unique to the property to which the variance is sought, and are not applicable generally to other property.
3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the letter of these regulations are carried out.”

SECTION 13. Section 405.600, entitled “Variances,” of the Arnold Code of Ordinances is hereby deleted in its entirety and substituting in lieu the following:

“Section 405.600 Penalties and Appeals.

A. Any party dissatisfied upon the denial of Variance from the strict requirements of this Article by the Planning Commission may file an appeal with the Council requesting a determination from that body. A notice of appeal shall be filed within seven (7) days after the Planning Commission's action. Notice of appeal to the Council shall be in writing and shall be filed with the City Clerk.”

SECTION 14. Section 405.610.through Section 405.640 (*Reserved*) of the Arnold Code of Ordinances is hereby deleted in its entirety and substituting in lieu the following:

“**Section 405.610 through Section 405.640. (*Reserved*)”**

SECTION 15. If any part of this Ordinance is found to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction, such invalidity shall not affect the validity or effectiveness of the remaining provisions of this Ordinance or any part thereof and said Ordinance shall be read as if said invalid provision was struck therefrom and the context thereof changed accordingly with the remainder of the Ordinance to be and remain in full force and effect.

SECTION 16. All ordinances, resolutions or orders, or parts thereof, which conflict with the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed.

SECTION 17. This ordinance shall be in full force and effect from and after its passage and approval.

READ TWO TIMES, PASSED AND APPROVED ON THIS _____ DAY OF APRIL, 2019.

Presiding Officer of the Council

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

First Reading: _____

Second Reading: _____

APPROVED AS TO FORM:

City Attorney Robert Sweeney

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3/26/2019 3:02 PM

RESOLUTION NO. 19-21

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A
CONTRACT WITH THE N.B. WEST CONTRACTING COMPANY, INC. TO
UNDERTAKE THE ULTRA THIN ASPHALT STREETS OVERLAY
PROJECT FOR THE CITY OF ARNOLD.

BE IT RESOLVED by the Council of the City of Arnold, Missouri, that the Mayor be, and is hereby authorized to enter into a contract with the N.B. West Contracting Company, Inc. to undertake the ultra-thin asphalt overlay project for the City of Arnold.

A copy of said contract is attached hereto and made a part hereof reference.

Presiding Officer of the City Council

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

Date: _____

ULTRA-THIN ASPHALT OVERLAY

Tuesday, 3/5/19 @ 10 a.m.

Attendees

City of Arnold
 Tammi Casey, City Clerk
 City of Arnold
 Bill Lehmann, Director of Finance
 City of Arnold
 Tom Palasky, Public Works
 City of Arnold
 Charlie Allen, Street Department
 N.B. West Contracting
 Robert Bond

		1		2		3	
		N.B West Contracting Company Brentwood, MO					
VENDOR NUMBER:		Unit		Unit Cost		Unit	
VENDOR NAME:		/lump sum		/lump sum		/lump sum	
VENDOR LOCATION:		/lump sum		/lump sum		/lump sum	
Item #	Item Description	Quantity	Unit Cost	Unit	Cost	Unit Cost	Unit
1	Mobilization	1	\$ 45,000.00	/lump sum	\$ 45,000.00		/lump sum
2	Traffic Control	1	\$ 40,000.00	/lump sum	\$ 40,000.00		/lump sum
3	Dust / Erosion Control	1	\$ 1.00	/lump sum	\$ 1.00		/lump sum
4	Street Milling & Disposal to a depth of 1/2 to 3/4 inch	33,000	\$ 2.00	/sq. yd.	\$ 66,000.00		/sq. yd.
5	Ultra-Thin (3/4" minimum depth) Asphalt Overlay	132,035	\$ 5.50	/sq. yd.	\$ 726,192.50		/sq. yd.
6	Additional Ultra-Thin Tonnage for Repair Areas & Filling Existing Pavement Deflections of Collapse Due to Pavement Equipment Loading	400	\$ 30.00	/ton	\$ 12,000.00		/ton
7	2" Partial Depth Asphalt Repairs (Milling, tack, BP-1 installation included in the sq. yd. price)	3,500	\$ 23.00	/sq. yd.	\$ 80,500.00		/sq. yd.
			TOTAL COST:		\$ 969,693.50	TOTAL COST:	\$ 0
						TOTAL COST:	\$ 0

City of Arnold
ADVERTISEMENT FOR BIDS
ULTRA – THIN ASPHALT STREETS OVERLAY PROJECT

Notice is hereby given that sealed bids for the **Ultra – Thin Asphalt Streets Overlay Project** will be received by the City Clerk City Hall, 2101 Jeffco. Blvd., Arnold, Missouri 63010, until 10:00 a.m., Tuesday, March 5, 2019, at which time the bids will be publicly opened and read. Bids must be submitted in a sealed envelope marked “**Ultra – Thin Asphalt Streets Overlay Project**” in the lower left corner.

Specifications and bid documents are available for pickup on or after Friday, February 15, 2019 at the City Clerk’s Office or by calling 636-296-2100.

A voluntary pre-bid meeting is scheduled for 10:00 a.m. Tuesday, February 26, 2019 at the Public Works Office, 2900 Arnold Tenbrook Road, Arnold, Missouri, for interested contractors. The purpose of the meeting is to review the project, respond to questions and address concerns from the contractors. Following the meeting, a visit to the project site is scheduled.

All bids shall be made in duplicate on the printed forms found in the contract documents. Each bid must be accompanied by a certified check, cashier’s check, or bid bond, payable to the City of Arnold, Missouri, in the amount of ten (10%) of the amount of the bid as a guarantee that the successful bidder or bidders will enter into a contract and furnish performance and payment bonds in the full amount of the Contract within ten (10) days after the award is made.

The City of Arnold hereby reserves the right to reject any or all bids, to waive any informalities in the bids received, and to accept the bid or bids that in its judgment will be for the best interest of the City of Arnold, Missouri.

By Order Of
Tammi Casey, City Clerk

**REQUEST FOR BIDS
GENERAL REQUIREMENTS &
CONSTRUCTION SPECIFICATIONS**

FOR

CITY OF ARNOLD

JEFFERSON COUNTY, MISSOURI

ULTRA – THIN ASPHALT STREETS OVERLAY PROJECT

**SPRING / SUMMER
2019**

CITY OF ARNOLD

2101 JEFFCO BLVD.

ARNOLD, MISSOURI 63010

BID PROPOSAL FORM
CITY OF ARNOLD
JEFFERSON COUNTY, MISSOURI

ULTRA-THIN ASPHALT STREETS OVERLAY 2019 PROJECT

TO: CITY OF ARNOLD
ARNOLD, MISSOURI

Pursuant to and in compliance with your Request for Bids dated Spring / Summer, 2019 and the other documents related thereto, the undersigned hereby proposes to furnish all tools, labor, equipment and material and perform all work necessary for undertaking the ULTRA-THIN ASPHALT STREETS OVERLAY 2019 PROJECT as all required by and in strict conformance with the Bid Specifications and addenda No. 1 to 1 inclusive at the unit & lump sum prices listed herein.

	<u>Description</u>	<u>Quantity</u>	<u>Unit Cost</u>	<u>Cost</u>
1.	Mobilization	1	\$ <u>45,000.00</u> /lump sum	= \$ <u>45,000.00</u>
2.	Traffic Control	1	\$ <u>40,000</u> /lump sum	= \$ <u>40,000.00</u>
3.	Dust/Erosion Control	1	\$ <u>1,000</u> /lump sum	= \$ <u>1,000</u>
4.	Street Milling & Disposal to a depth of 1/2 to 3/4 inch	33,000	\$ <u>2.00</u> /sq.yd.	= \$ <u>66,000.00</u>
5.	Ultra-Thin (3/4" minimum depth) Asphalt Overlay	132,035	\$ <u>5.50</u> /sq.yd.	= \$ <u>726,192.50</u>
6.	Additional Ultra-Thin Asphalt Tonnage for Repair Areas & Filling Existing Pavement Deflections of Collapse Due Pavement Equipment Loading	400*	\$ <u>30,000</u> /Ton	= \$ <u>12,000.00</u>
7.	2" Partial Depth Asphalt Repairs (Milling, tack, BP-1 installation Included in the sq. yd. price)	Approx. 3,500 sy	\$ <u>23.00</u> /sq.yd.	= \$ <u>80,500.00</u>

* The 400 Ton Quantity Need is an approximation and must be field verified with the Public Works Director or his on-site representative.

TOTAL COST = \$ 969,693.50

NOTE: All in place quantities will be field measured with a Contractor representative & a City Inspector to ascertain the total dollar amount.

Contractor is to state the number of calendar days to complete all work. 45 days. The calendar days stated will be used in the contract agreement regarding deductions for not completing on time. Liquidated damages per the contract agreement are \$250.00 per day.

NOTE: Work must be started and completed between March 11 and July 31, 2019.

CONTRACTOR BID ALTERNATES(if any)

The Undersigned understands and agrees the quantities shown herein are estimated, that payment shall be made on a unit cost basis.

The Undersigned understands and agrees that the City of Arnold may, at its discretion, elect to add and/or delete quantities, at any time during the contract period.

The Undersigned understands that items incidental to the project including but not limited to testing/certification, cleaning and sweeping and final cleanup are included in the above unit costs.

Suitable bid security in the amount of in the amount of ten (10%) of the amount of the bid, as called for in the Advertisement of Bids, accompanies this Bid. This sum is to be forfeited to the City of Arnold if the party, or parties, making this Bid fail to enter into contract with approved securities within ten (10) days after the award of the Contract has been made.

The undersigned has examined the Plans and Specifications and the location of the project and has satisfied self as to the work to be done and the conditions under which it must be carried out.

NAME OF BUSINESS

(If an individual)

SIGNATURE OF BIDDER

BUSINESS ADDRESS

TELEPHONE NO.

(If Co-partnership)

FIRM NAME

SIGNATURE

BUSINESS ADDRESS

TELEPHONE NO.

(If a Corporation)

CORPORATE NAME

SIGNATURE

BUSINESS ADDRESS

TELEPHONE NO.

N.B. West Contracting Company

Jim Fitzgerald

2780 Mary Ave St Louis, MO 63144

314-962-3145

Contractor is to provide at least three (3) references (Names and Telephone Numbers)

Terry Jones - Glendale

314-965-3600

Name

Phone Number

Scott Hammel - Wildwood

314-280-0741

Name

Phone Number

Vince Hamm - St Ann

314-427-8009

Name

Phone Number



Document A310™ – 2010

Conforms with The American Institute of Architects AIA Document 310

Bid Bond

CONTRACTOR:

(Name, legal status and address)
N.B. West Contracting Company
2780 Mary Ave.
Brentwood, MO 63144

SURETY:

(Name, legal status and principal place of business)
Liberty Mutual Insurance Company
175 Berkeley Street
Boston, MA 02116

OWNER:

(Name, legal status and address)
City of Arnold
2101 Jeffco Blvd.
Arnold, MO 63010

Mailing Address for Notices
Liberty Mutual Insurance Company
Attention: Surety Claims Department
1001 4th Avenue, Suite 1700
Seattle, WA 98154

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

BOND AMOUNT: 10% of Bid Amount Ten Percent of Bid Amount

PROJECT:

(Name, location or address, and Project number, if any)

Ultra-Thin Asphalt Street Overlay - Various Streets

The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, or within such time period as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof; or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which the Owner may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain the Surety's consent for an extension beyond sixty (60) days.

If this Bond is issued in connection with a subcontractor's bid to a Contractor, the term Contractor in this Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.

When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

Signed and sealed this 5th day of March, 2019

(Witness)

N.B. West Contracting Company

(Principal) (Seal)

President

(Title)

Liberty Mutual Insurance Company

(Surety)

(Title) Katherine M. Schwartz, Attorney-in-Fac



ACKNOWLEDGMENT BY SURETY

STATE OF MISSOURI

County of St. Charles


On this 5th day of March, 2019, before me personally appeared

Katherine M. Schwartz known to me to be the Attorney - In - Fact of

LIBERTY MUTUAL INSURANCE COMPANY,

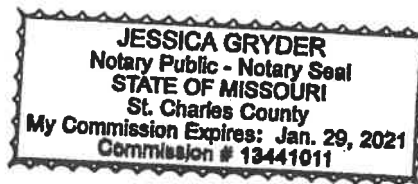
the corporation that executed the within instrument, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in the aforesaid County, and the day and year in this certificate first above written.



Notary Public in the State of Missouri
St. Charles County

January 29, 2021
My Commission Expires





This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

Certificate No: 8200164

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Michael C. Behan, Chase H. Butler, Jessica Gryder, Jeffery A. Mentel, Katherine M. Schwartz, Shelley R. Thompson

all of the city of Saint Louis state of MO each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 20th day of December, 2018.



Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

By: David M. Carey, Assistant Secretary

State of PENNSYLVANIA
County of MONTGOMERY ss

On this 20th day of December, 2018 before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written.



COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Teresa Pastella, Notary Public
Upper Merion Twp., Montgomery County
My Commission Expires March 28, 2021
Member, Pennsylvania Association of Notaries

By: Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV - OFFICERS: Section 12. Power of Attorney.

Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XIII - Execution of Contracts: Section 5. Surety Bonds and Undertakings.

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

Certificate of Designation - The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization - By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 5th day of March, 2019.



By: Renee C. Llewellyn, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.

To confirm the validity of this Power of Attorney call 1-610-832-8240 between 9:00 am and 4:30 pm EST on any business day.

Hold Harmless Agreement

To the fullest extent permitted by law, M.B. West Contracting Company, hereafter referred to as Contractor, agrees to indemnify, defend and hold harmless the City of Arnold, its officers, agents, volunteers, invitees, lessees and employees from and against any and all suits, claims, damages losses and expenses, including but not limited to attorneys' fees, court costs or alternative dispute resolution costs arising out of or related to any such suit, claim, damage, loss or expense involving an injury to a person or persons, whether bodily injury or other personal injury (including death), or involving an injury or damage to property (including loss of use or diminution in value), but only to the extent that such suits, claims, damages, losses or expenses were caused by the negligence or other wrongdoing of Contractor, or of any supplier or subcontractor, or their agents or employees, directly or indirectly, regardless of whether caused in part by the negligence or wrongdoing of CITY or any of its agents or employees.

Pursuant to the requirements of the bid and contract for Traffic Signals and Street Lighting Maintenance and Repair Services, Contractor shall purchase and maintain the following insurance, at Contractor's expense:

- Commercial General Liability Insurance with a minimum limit of \$1,000,000 each occurrence/\$2,000,000 general aggregate written on an occurrence basis. If Contractor maintains higher limits than the minimums required, the CITY requires and shall be entitled to coverage for the higher limits maintained by Contractor.
- Workers Compensation Insurance with statutorily limits required by any applicable Federal or State law and Employers Liability insurance with minimum limit of \$1,000,000 per accident.

Contractor shall make CITY an additional insured on each policy of insurance that Contractor is required to maintain. Similarly, Contractor shall require insurance with the same coverage and limits from its subcontractors and suppliers, and their insurance policies shall be endorsed to name the same additional insureds as required of Contractor. Any coverage available to CITY as a named insured shall be secondary, so that the coverage to the CITY as an additional insured on the policies maintained by Contractor and Contractor's subcontractors is primary and non-contributory. CITY reserves the right to selectively trigger any one or more insurance policies that afford CITY coverage, whether as a named insured or as an additional insured. Contractor agrees that CITY shall be provided at least sixty (60) days advance written notice of any cancellation or rescission of any policy that Contractor or any of its subcontractors or suppliers is required to maintain under the contract documents. Prior to commencing work, Contractor shall provide CITY certificates of insurance and endorsements evidencing the required coverage. CITY's receipt or review of any certificate of insurance reflecting that Contractor or

one of its subcontractors or suppliers has failed or may have failed to comply with any insurance requirement shall not constitute a waiver of any of CITY's insurance rights under the contract documents, with all such rights being fully and completely reserved by the CITY.

No provision of this agreement shall constitute a waiver of the CITY's right to assert a defense based on the doctrines of sovereign immunity, official immunity or any other immunity available under law.

M.B. West Contracting Company
CONTRACTOR

3-4-2019
DATE

STATE OF MISSOURI)
) ss
COUNTY OF St Louis)

OSHA AFFIDAVIT

Before me, the undersigned Notary Public, personally came and appeared Jim Fitzgerald,
(NAME-PRINTED)
President of N.B. West Contracting Company
(POSITION) (NAME OF COMPANY)

(a corporation) (a partnership) (a proprietorship) and, after being duly sworn, did depose and say that all provisions and requirements set out in Section 292.675, Missouri Revised Statutes, pertaining to the 10-hour OSHA construction safety training of workmen employed on public works projects have been fully satisfied and there has been no exception to the full and complete compliance with said provisions and requirements. The referenced OSHA training is necessary in carrying out the contract and work in connection with **ULTRA-THIN ASPHALT STREET OVERLAY 2019 PROJECT** at the City of Arnold in Jefferson County, Missouri. Said training of all project workmen has been or will be undertaken within 60 days of commencement of construction of the project. The Contractor is to provide to the City copies of OSHA certifications cards of each project workman.

Jim Fitzgerald
(SIGNATURE)

Subscribed and sworn to before me this 4th day of March, 2019

Debbie M Campbell
Notary Public

My commission expires on: 12/18/2019

DEBBIE M. CAMPBELL
Notary Public - Notary Seal
State of Missouri
Commissioned for St. Louis City
My Commission Expires: December 18, 2019
Commission Number: 11383913

STATE OF MISSOURI)
COUNTY OF St. Louis) ss

AFFIDAVIT

COMPLIANCE WITH THE PREVAILING WAGE LAW

Before me, the undersigned Notary Public, personally came and appeared
Jim Fitzgerald , President of
(NAME) (POSITION)

N.B. West Contracting Company
(NAME OF COMPANY)

(a corporation) (a partnership) (a proprietorship) and, after being duly sworn, did depose and say that all provisions and requirements set out in Section 290, Sections 290.210 through and including 290.340, Missouri Revised Statutes, pertaining to the payment of wages to workmen employed on public works projects have been fully satisfied and there has been no exception to the full and complete compliance with said provisions and requirements and with Wage Determination No. 25 issued by the Division of Labor Standards on the 25 day of April 2018, in carrying out the contract and work in connection with **ULTRA-THIN ASPHALT STREET OVERLAY 2019 PROJECT** located in the City of Arnold in Jefferson County, Missouri, and completed on the 5th day of March, 2019

Jim Fitzgerald
(SIGNATURE)

Subscribed and sworn to before me this 4th day of March, 2019

Debbie M. Campbell
Notary Public

My commission expires on: 12/18/2019

DEBBIE M. CAMPBELL
Notary Public - Notary Seal
State of Missouri
Commissioned for St. Louis City
My Commission Expires: December 18, 2019
Commission Number: 11383913

STATE OF MISSOURI)
)
COUNTY OF St Louis) SS

AFFIDAVIT OF AMERICAN PRODUCTS PURCHASE

Comes now before me Jim Fitzgerald as President of N.B. West Contracting Co
(NAME) (OFFICE HELD) (COMPANY NAME)

being duly sworn on his/her oath, affirms that said company has complied with Missouri State Law Section 34-353 RSMo regarding the purchase of manufactured good or commodities used or supplied in the performance of the City of Arnold's **ULTRA-THIN ASPHALT STREET OVERLAY 2019 PROJECT**

I also affirm that N.B. West Contracting Company did not and would not knowingly
(COMPANY NAME)

purchase or supply manufactured goods or commodities used on the aforementioned City of Arnold project, being compliant with the law. In affirmation thereof, the facts stated above are true and correct (the undersigned understands that false statements made in this filing are subject to penalties provided under Section 575.040 RSMo).

Jim Fitzgerald
SIGNATURE (PERSON WITH AUTHORITY)
President
(TITLE)

Jim Fitzgerald
(PRINTED NAME)
3/4/2019
(DATE)

Subscribed and sworn to before me this 4th day of March, 2019

Debbie M. Campbell
Notary Public

My commission expires on: 12/18/2019

DEBBIE M. CAMPBELL
Notary Public - Notary Seal
State of Missouri
Commissioned for St. Louis City
My Commission Expires: December 18, 2019
Commission Number: 11383913

STATE OF MISSOURI)
COUNTY OF St Louis) SS

FINAL PAY AFFIDAVIT

Know all men by those present that Jim Fitzgerald
(OFFICER'S NAME)
of lawful age, being duly sworn upon his oath deposes and says that he President
(TITLE)
of the N.B. West Contracting Company
(COMPANY'S NAME), the Contractor engaged in the
construction and improvement of **ULTRA-THIN ASPHALT STREET OVERLAY 2019**
PROJECT and that no supplies and/or subcontractors have been used for such construction
except those previously approved by the City of Arnold, that all bills for labor and material
incident to said project have been paid, that the laws relating to payment of prevailing wage rates
have been complied with, that the said project is therefore free from all liens and encumbrances,
and all amounts owing contractor have been paid in full. All lien waivers from the contractor
and subcontractors are attached.

IN WITNESS WHEREOF, the hereto, hereunto sets his hand and seal this 4th
day of March, 20 19.

N.B. West Contracting Company
(FIRM NAME)
By Jim Fitzgerald

Subscribed and sworn to before me this 4th day of March, 20 19

Debbie M. Campbell
Notary Public

My commission expires on: 12/18/2019

DEBBIE M. CAMPBELL
Notary Public - Notary Seal
State of Missouri
Commissioned for St. Louis City
My Commission Expires: December 18, 2019
Commission Number: 11383913

NON COLLUSION FORM

Jim Fitzgerald being duly sworn in oath deposed and states:

- I. That in connection with this procurement,
 - a. The prices in this bid have been arrived at independently, without consultation, communication, or agreement, for the purpose of restricting competition as to any matter relating to such prices with any other bidder or with any competitor;
 - b. The prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening directly or indirectly to any other bidder; or to any competitor; and,
 - c. No attempt has been made or will be made by the bidder to induce any other person or firm to submit or not to submit a bid for the purpose of restricting competition.
- II. The undersigned further states:
 - a. He is the person in the bidders' organization responsible within that organization for the decision as to the prices being bid herein and that he has not participated, and will not participate, in any action contrary to (I) (a) through (I) (c) above.
 - b. He is not the person in the bidder's organization responsible within that organization for the decision as to the prices being bid herein but that he has been authorized in writing to act as agent for the persons responsible for such decision in certifying that such persons have not participated, and will not participate, in any action contrary to (I) (a) through (I) (c) above, and as their agent does hereby so certify; and he has not participated, and will not participate in any action contrary to (I) (a) through (I) (c) above.
- III. The Contractor hereby attests to their intent to comply with the American with Disabilities Act. (ADA).
- IV. It is expressly understood that the foregoing statements, representations, and promises are made as a condition to the right of the bidder to receive payment under any award made hereunder.

For Corporations

N.B. West Contracting Company
(NAME, INDICATE IF CORPORATION,
PARTNERSHIP OR SOLE PROPRIETOR)

(Corporate Seal)

President
(OFFICE HELD IN BIDDER ORGANIZATION)

ATTEST:

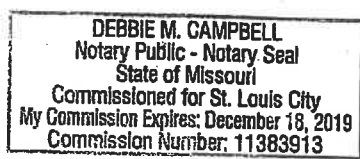
[Signature]

By Jim Fitzgerald

Subscribed and sworn to before me this 4th day of March, 20 19

Debbie M. Campbell
Notary Public

My commission expires on: 12/18/2019



Affidavit of Work Authorization

Comes now Jim Fitzgerald (name) as President (office held) first being duly sworn, on my oath, affirm N.B. West Contracting Co (company name) is enrolled and will continue to participate in a federal work authorization program in respect to employees that will work in connection with the contracted services related to **ULTRA-THIN ASPHALT STREET OVERLAY 2019 PROJECT** for the duration of the contract, if awarded in accordance with RSMo Chapter 285.530 (2). I also affirm that N.B. West Contracting Co (company name)

does not and will not knowingly employ a person who is an unauthorized alien in connection with the contracted services related to **ULTRA-THIN ASPHALT STREET OVERLAY 2019 PROJECT** for the duration of the contract, if awarded.

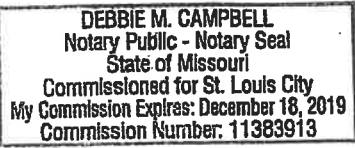
In Affirmation thereof, the facts stated above are true and correct (The undersigned understands that false statements made in this filing are subject to the penalties provided under Section 575.040, RSMo).

Jim Fitzgerald Signature Jim Fitzgerald Printed Name

President Title 3/4/2019 Date

Subscribed and sworn before me the 4th day of March 2019. I am commissioned as a notary public within the county of St. Louis. State of Missouri, and my commission expires on 12/18/2019.

Debbie M. Campbell Signature of notary 3/4/2019 Date



**Exhibit A
Contract Agreement**

THIS AGREEMENT, made and concluded this 4th day of April 2019, by and between N.B. WEST CONTRACTING COMPANY hereinafter called the "Contractor", and the City of Arnold, Missouri, hereinafter called the "City".

WITNESSETH, THAT, whereas the Council of the City of Arnold by motion adopted at a meeting held on April 4, 2019, and by virtue of authority vested in said Council, has awarded to the Contractor the work of performing certain construction.

NOW, THEREFORE, the Contractor and the City, for the consideration hereinafter named, agree as follows:

Article 1. SCOPE OF WORK:

The Contractor shall provide all work incidental to the furnishing of all material, equipment, and labor to undertake the ULTRA-THIN ASPHALT STREETS OVERLAY 2019 PROJECT in accordance with the project specifications, and the terms of this contract for the City of Arnold, Missouri.

The Owner shall have representatives at the site as he may decide during the construction to observe the work in progress.

Article 2. TIME OF COMPLETION:

Work on the ULTRA-THIN ASPHALT STREETS OVERLAY 2019 PROJECT may begin on April 5, 2019 and shall be carried on at a rate to secure its full completion by (to be determined). This date may be adjusted by the Public Works Interim Director as additions and/or deletions are made but under no instances shall this agreement or completion date extend beyond 6 months from the date of the contract.

DEDUCTIONS FOR NOT COMPLETING ON TIME

It is mutually understood and agreed that time is the essence of this Agreement and in the event said work is not completed on or before the date named above for its completion, the Contractor shall pay damages to the owner of Two Hundred & Fifty Dollars (\$250.00) per day. Those damages shall be used to pay the expenses of the inspectors and the services of Public Works Interim Director for the extra time required for the completion of the work. Extra time shall in all cases be construed as the time required for completion after the date herein named. Extensions of time granted by the Owner for completion of the Contract on account of fire, strikes, or acts of Providence shall not be construed as extra time. The amount of such expense and services shall be determined by the Public Works Interim Director, shall be reported to him in writing to the Owner, and shall be withheld from any money due the Contractor and paid to the proper parties.

Where any deductions from or forfeitures of payment in connection with the work on this Contract are duly and properly declared or imposed against the Contractor in accordance with the terms of this contract, state laws, or ordinances of the City, the total amount thereof may be withheld from any money whatsoever due or to become due the Contractor under the Contract, and when deducted shall be deemed and taken as payment in such amount.

Article 3. CONTRACT PRICE:

The City shall pay to the Contractor for the performance of the work a sum not to exceed the total cost as shown on the ULTRA-THIN ASPHALT OVERLAY 2019 PROJECT bid the amount of \$969,693.50 attached hereto as Addendum "A".

Work covered under these criteria shall consist of all material, labor, equipment and services necessary for the ULTRA-THIN ASPHALT OVERLAY 2019 PROJECT.

Quantities may be added or deleted at any time during the contact. This contract is based on a quantity at a unit cost.

The above unit cost provided in this agreement proposal shall be guaranteed for the duration of contract.

Article 4. PAYMENTS TO CONTRACTOR:

- a. At least twenty (20) days before the City Council meeting at which the progress payment shall be presented for approval (but not more often than once a month), the Contractor will submit to the City a partial payment estimate filled out and signed by the Contractor covering the work performed during the period covered by the partial payment estimate and supported by such data as the City may reasonably require. The City will, within ten (10) days following the first regular Council meeting at which the pay request can be put on the Council meeting agenda, pay the Contractor a progress payment on the basis of the approved partial payment estimate. Regular Council meetings are held on first and third Thursdays of each month and the agenda for the Council meeting is set seven (7) days prior to each meeting. The City shall retain five percent (5%) of the amount of each payment until final completion and acceptance of all work covered by the Contract Documents. Authorized extra work shall be included in these monthly progress payments.
- b. No payment shall be made for materials delivered or stored on the site.
- c. When the work provided for under this Contract has been fully completed in accordance with the terms thereof, the City shall make a final inspection and the Contractor shall remedy any defects arising out of said inspection. After final acceptance of the work by the City, final payment shall be made based on the price stated in Article 3.

From the final payment shall be retained all monies expended by the City according to the terms of this Contract, and thereunder chargeable to the Contractor, all monies payable to the City, as liquidated damages, and all deductions provided by Contract, State Laws, or Ordinances of the City of Arnold.

- d. The Contractor will indemnify and save the City or the City's agents harmless from all claims growing out of the lawful demands of subcontractors, laborers, workers, mechanics, furnisher of material, and furnisher of machinery and parts thereof, equipment, tools, and all supplies, incurred in the furtherance of the performance of the work. The Contractor shall, at the City's request, furnish satisfactory evidence that all obligations of the nature designated above have been paid, discharged, or waived. If the Contractor fails to do so, the City may, after having notified the Contractor, either pay unpaid bills or withhold from the Contractor's unpaid compensation a sum until satisfactory evidence is furnished that all liabilities have been fully discharged, whereupon payment to the Contractor shall be made, in accordance with the terms of the Contract Documents, but in no event shall the provisions of this sentence be construed to

impose any obligations upon the City to either the Contractor, his Surety, or any third party. In paying any unpaid bills of the Contractor, any payment so made by the City shall be considered as a payment made under the Contract Documents by the City to the Contractor and the City shall not be liable to the Contractor for any such payments made in good faith.

Article 5. GUARANTEE:

The Contractor and his Surety hereby expressly guarantee the aforesaid work as to workmanship and quality of materials used in connection therewith, for a period of one year, commencing on the date of acceptance of the work or improvements, and binds himself, his successors or assigns, to make all replacements which may become necessary within that time due to nonconformity with the Specifications. Whenever notified by the City that said replacements are required, the Contractor shall, at once, make the same as directed, and at his own expense. If the Contractor does not proceed with such replacements within five (5) days of receipt of written notice, then the City shall have the power to cause the same to be made and to charge the cost thereof to the Contractor. Nothing in this Section is intended as a maintenance guarantee.

Article 6. INSURANCE:

The Contractor will be required to furnish Public Liability and Property Damage Insurance in amounts as specified in the General Conditions and coverage to name the City of Arnold, Missouri, in addition to the Contractor, so that the City of Arnold is not only protected from all claims but also protected in that legal service will be rendered to defend all suits against the Contractor and the City. The Contractor shall be required to furnish the City with satisfactory proof of carriage of the insurance and endorsement(s) required.

Article 7. STATUTORY AND REGULATORY COMPLIANCE:

It is the responsibility of the Contractor to ensure compliance with all federal, state and local requirements, including, but not limited to, the following Revised Statutes of the State of Missouri:

285.530 RSMo: Work Authorization
292.675 RSMo. OSHA Training.
RSMo. 34.353 et seq. American Products.
290-210 Prevailing Wage

The above list is not intended to be exhaustive; and the compliance requirement of this provision is continuing and must be satisfied during the entirety of this Agreement.

It is the sole responsibility of the Contractor to ensure that this provision is satisfied; and the City assumes no responsibility or liability for the failure to comply. Any penalty incurred as a result of noncompliance or failure to comply will be borne solely by the Contractor.

Article 8. THE CONTRACT DOCUMENTS:

The Advertisement, Information for Bidders, the Specifications, including Addendum No. 1, the Bid, and Bond, together with this Agreement, form the Contract.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed in two (2) original counterparts as of the day and year first above written.

SIGNATURES ON NEXT PAGE

CONTRACT SIGNATURES

CITY OF ARNOLD
2101 Jeffco Blvd.
Arnold, Missouri 63010

Contractor: _____
Contractor Address: _____

By: _____
Ron Counts, Mayor

By: _____
Signature

ATTEST:

Title

By: _____
Tammi Casey, City Clerk

Date

Date

Telephone No.

(SEAL)

(SEAL)

APPROVED AS TO FORM:

City Attorney

RESOLUTION NO: 19-22

A RESOLUTION RE-APPOINTING INDIVIDUALS TO THE POLICE
PERSONNEL BOARD FOR A TWO-YEAR TERM.

BE IT RESOLVED by the Council of the City of Arnold, Missouri, that Andrew Sutton and Del Williams are hereby re-appointed to serve on the Police Personnel Board for a two-year term that will expire on April 1, 2021 or until a successor has been appointed and qualified.

Presiding Officer of the City Council

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

Date: _____