

City of Arnold, Missouri

**Public Hearing
Council Chambers**

**August 16, 2007
7:30 p.m.**

- A.** An Ordinance Fixing the Annual Rate of Levy for Taxes. See Agenda Item 7D.
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Council Meeting

Following the Public Hearing

Amended Agenda

1. Pledge of Allegiance
2. Opening Prayer
3. Roll Call
4. Acceptance Of Minutes: **August 2, 2007**
5. Acceptance Of Warrants: **Payroll Warrant # 1009; General Warrant #5457**
6. Business From the Floor
7. Ordinances
 - A. Bill No. 2253:** An Ordinance Authorizing the Execution of a Joint Inspections Agreement Between the City of Arnold and Rock Community Fire Protection District.
 - B. Bill No. 2254:** An Ordinance Levying a Special Assessment for Sun Valley South NID.
 - C. Bill No. 2255:** An Ordinance Accepting Sun Valley South for Public Maintenance.
 - D. Bill No. 2256:** An Ordinance Fixing the Annual Rate of Levy for Taxes.
 - E. Bill No. 2257:** An Ordinance Providing for the Adoption of the Fiscal Year 2008 Budget.
 - F. Bill No. 2258:** REMOVED
 - G. Bill No. 2259:** An Ordinance Regulating Video Service Providers.
 - H. Bill No. 2260:** An Ordinance Restricting Hunting in the Floodplain.
 - I. Bill No. 2261:** An Ordinance Amending Chapter 18, Article II, Section 18-21 of the Code of Ordinances Regarding the Composition of the Planning Commission.

Ordinances (continued)

J. Bill No. 2262: An Ordinance Approving 4th Amendment to the Redevelopment Plan for the Arnold Triangle Redevelopment Area. (Read One Time)

8. Resolutions

A. Resolution No. 07-37: A Resolution Awarding a Bid for the Fabrication of the Ozark Drive Bridge.

B. Resolution No. 07-38: A Resolution Repealing the Waiver of a Portion of the Sewer User Fee.

9. Motions

A. A Motion Approving Change Order #7 Regarding the Fawn Drive SSD.

B. A Motion Approving Change Order #1 Regarding the Missouri State/Old Lemay Ferry Road Project.

C. REMOVED

D. A Motion Approving Fee and Permit Adjustments.

10. New Business

11. Old Business

12. Committee Reports

13. Reports from Mayor and Council

14. Administrative Report

15. Adjournment

Next Regular Council Meeting: Thursday, September 6th at 7:30 p.m.

Next Work session Meeting: Thursday, September 13th at 7:00 p.m.

August 13, 2007

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REGULAR MEETING

August 16, 2007

COUNCIL CHAMBERS

2101 JEFFCO BLVD

7:33 PM

Mayor Mark Powell called the meeting to order at 7:33 p.m. Opening prayer was a silent prayer. Those present per roll call taken by City Clerk Diane Waller: Powell, Moritz, Venable, Amato, Deckman (excused); Cooley, Ems, Vinson, Crisler, Unrein, Waller, Holden, McKenzie, Boone, Sweeney, Shockey, Blue, and Hall.

ACCEPTANCE OF THE MINUTES:

Al Ems moved to accept the minutes of the August 2, 2007 meeting if there are no deletions, errors, or corrections. Seconded by Butch Cooley. Roll call vote: Moritz, yes; Venable yes; Amato, yes; Deckman (excused); Cooley, yes; Ems, yes; Vinson, yes; Crisler, yes; 7 yeas, motion passed.

ACCEPTANCE OF THE WARRANTS:

City Clerk Diane Waller read payroll warrant #1009. Bill Moritz moved to pay payroll warrant #1009 pay period ending July 27, 2007 in the amount of \$230,261.34 if the monies are available. Seconded by Paul Vinson. Roll call vote Moritz, yes; Venable, yes; Amato, yes; Deckman (excused); Cooley, yes; Ems, yes; Vinson, yes; Crisler, yes; 7 yeas, motion carried.

Councilman Bill Moritz announced he would abstain from voting on warrant #5457 as there was a line item involving him personally. Attorney had advised him to totally abstain from any vote on this warrant.

City Clerk Diane Waller read general warrant #5457. Randy Crisler moved to pay general warrant #5457 in the amount of \$734,739.57 if the monies are available. Seconded by Al Ems. Roll call vote: Moritz (abstain); Venable yes; Amato, yes; Deckman (excused); Cooley, yes; Ems, yes; Vinson, yes; Crisler, yes; 6 yeas, motion carried.

BUSINESS FROM THE FLOOR:

Mary Murphy, 2245 Tenbrook Road, referred to the sidewalks that are to be installed on Tenbrook. She indicated she was all for this but expressed safety concerns as the surveyors have indicated some may be installed on one side of the street while others on a different side, depending on the location. She felt it was a safety issue and hopes to have all walks on one side of the road, causing pedestrians to not cross the street in order to make use of the sidewalks.

Jerry Capps, 284 Clermont Drive, the new owner of Maxville Meadows, indicated he had just learned today of the proposed increases in sewer tap-ons. He had wanted to pay in advance to avoid this increase, came to City Hall attempting to pay, and was unable to pay in advance.

John Geppert, Assistant Staff Vice President for Government Affairs, representing the Home Builders Association of St. Louis, 10104 Old Olive Street Road, provided a letter and elaborated on their feelings regarding the increase in sewer tap-on fees.

Mr. Amato questioned staff regarding the fees being charged by Rock Creek and Northeast and was told their fees. In comparison, we are still lower.

Mayor suggested these fees not be imposed for 90 days. Discussion followed.

Mark Fox, 2434 East Church, had previously spoke to council and was here tonight to thank Chief Shockey as there has been improvement and he appreciates the assistance he has received from the city.

ORDINANCES:

Bill #2253 AN ORDINANCE AUTHORIZING THE EXECUTION OF A **JOINT INSPECTIONS AGREEMENT BETWEEN THE CITY OF ARNOLD AND ROCK COMMUNITY FIRE PROTECTION DISTRICT** OF JEFFERSON COUNTY was read twice by City clerk Clerk Diane Waller. Roll call vote: Crisler, yes; Moritz, yes; Venable, yes; Amato, yes; Deckman (excused); Cooley, yes; Ems, yes; Vinson, yes; 7 yeas, ordinance passed.

Bill #2254 AN ORDINANCE DETERMINING THE FINAL COST OF COMPLETED IMPROVEMENTS KNOWN AS THE **SUN VALLEY SOUTH NEIGHBORHOOD IMPROVEMENT DISTRICT PROJECT**; APPORTIONING SUCH FINAL COSTS AMONG THE PROPERTIES IN THE SUN VALLEY SOUTH NEIGHBORHOOD IMPROVEMENT DISTRICT IN THE CITY OF ARNOLD, MISSOURI; ASSESSING SPECIAL ASSESSMENTS AGAINST THE PROPERTIES IN SAID DISTRICT; AND AUTHORIZING THE ISSUING OF TAX BILLS THEREOF was read twice by City Clerk Diane Waller. Roll call vote: Moritz, yes; Venable, yes; Amato, yes; Deckman, (excused); Cooley, yes; Ems, yes; Vinson, yes; Crisler, yes; 7 yeas, ordinance passed.

Note: Phil would like to see an additional explanation letter, under his and Joyce's signature included with the first tax bill.

BILL # 2255 AN ORDINANCE **ACCEPTING LANDS KNOWN AS SUN VALLEY SOUTH** IN LINDWEDEL TERRACE SUBDIVISIONS 1, 2, AND 3; RESUB LINDWEDEL TERRACE SUBDIVISION, AND PART LOT 31 U. S. SURVEY 29991 FOR PUBLIC USE AS STREETS AND ROADS; AUTHORIZING THE MAYOR OF THE CITY OF ARNOLD, MISSOURI, TO EXECUTE A FORMAL ACCEPTANCE THEREOF; AND PROVIDING FOR THE RECORDING OF SAID ACCEPTANCE. A COPY OF SAID FORMAL ACCEPTANCE IS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE was read twice by City Clerk Diane Waller.

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

BILL # 2256 AN ORDINANCE FIXING THE ANNUAL RATE OF LEVY FOR TAXES

was read twice by City Clerk Diane Waller. Roll call vote: Moritz, yes; Venable, yes; Amato, yes; Deckman (excused); Cooley, yes; Ems, yes; Vinson, yes; Crisler, yes; 7 yeas, ordinance passed.

The next agenda item was Bill #**2257** – BUDGET 2008. Mr. Ems questioned how could council be voting on this while not having yet voted on the proposed increase in fees. Sweeney advised it would be “safer” to amend agenda now, review the fees, vote on fees, and then discuss the proposed budget.

Mr. Ems offered a motion to amend the agenda to move item 9D (new fee schedule) to this part of the meeting. Seconded by Dave Venable. Roll call vote: Moritz, yes; Venable, yes; Amato, yes; Deckman (excused); Cooley, yes; Ems, yes; Vinson, yes; Crisler, yes; 7 yeas, motion carried.

Extensive discussion followed.

Concerns were expressed regarding the proposed fees for use of park facilities. Other options were discussed such as loaning/borrowing from one fund to another, holding off charging for use of park facilities until improvements are made, etc.

Susie Boone explained the reasoning behind charging fees now would keep things moving and improvements would be made with money generated.

More discussion.

Mayor suggested we could move money in the budget when the time comes. More discussion.

Randy Crisler expressed concern when using reserve funds when our funds appear to be limited at this point in time.

Randy Crisler offered a motion to approve the fee schedule in Item 9D except for the sewer tap-on and then so moved. Seconded by Dave Venable. Roll call vote: Moritz, yes; Venable, yes; Amato, yes; Deckman (excused); Cooley, yes; Ems, yes; Vinson, yes; Crisler, yes; 7 yeas, Motion carried.

The proposed tap-on fee increase was discussed at length. Dave Venable offered a motion to approve the increased tap-on fee of \$2500 effective 11/1/07 and then so moved. Seconded by Butch Cooley. Roll call vote: Moritz, yes; Venable, yes; Amato, yes; Deckman (excused); Cooley, yes; Ems, no; Vinson, no; Crisler, yes; 5 yeas, 2 nays motion carried.

Discussion followed regarding offering special arrangements for existing homeowners to be given the option of advance payment now in lieu of paying the higher fee at the actual time of hookup. This is for those currently not hooked up as a result of sewers not yet being available in their area. More discussion and clarification.

Amato offered a motion to allow property owners with existing structures the option of prepaying the current tap-on fee until April 1, 2008 and then so moved. Seconded by Randy Crisler. Roll call vote: Moritz, yes; Venable, yes; Amato, yes; Deckman (excused); Cooley, yes; Ems, yes; Vinson, yes; Crisler, 7 yeas.

Staff will have to adequately provide notification of this offer and details will have to be worked out to insure those involved receive proper notification.

The question came up about prepayment arrangements for builders but no motion was offered. City will continue with current policy and procedures regarding when tap-on fee is paid.

Bill #2257 – 2008 BUDGET

The discussion continued regarding adequate park facilities and a motion was made by Phil Amato to take \$5000 from undesignated funds and add to expendable equipment Park's Dept line item and he so moved. Seconded by Paul Vinson. Roll call vote: Moritz, yes; Venable, yes; Amato, yes; Deckman(excused), Cooley, yes; Ems, yes; Vinson, yes; Crisler, yes; 7 yeas, motion carried.

Additional budget item was amended to reduce the revenue from sewer tap-ons by \$30,000 as a result of those fees being changed.

Bill Moritz read a prepared statement for the record (see attached).

BILL # 2257 AN ORDINANCE PROVIDING FOR THE ADOPTION OF THE FISCAL YEAR 2008 BUDGET (as amended) was read twice by City Clerk Diane Waller. Roll call vote: Moritz, yes; Venable, yes; Amato, yes; Deckman (excused); Cooley, yes; Ems, yes; Vinson, yes; Crisler, yes, 7 yeas, ordinance passed.

BILL # 2258 had previously been pulled.

BILL # 2259 - Discussion began on this subject and Finance Director Vivian McKenzie left room to get more information to verify the cable franchise fee rate. Mayor moved on to Bill #2260.

BILL # 2260 AN ORDINANCE REGULATING THE DISCHARGE OF FIREARMS AND WEAPONS WITHIN THE CITY was read twice by City Clerk Diane Waller. Roll call vote: Moritz, yes; Venable, yes; Amato, yes; Deckman (excused); Cooley, yes; Ems, yes; Vinson, yes; Crisler, yes; 7 yeas, ordinance passed.

BILL # 2261 AN ORDINANCE AMENDING CHAPTER 18, ARTICLE II, SECTION 18-21 OF THE CODE OF ORDINANCES REGARDING THE COMPOSITION OF THE PLANNING COMMISSION was read twice by City Clerk Diane Waller. Roll call vote: Moritz, yes; Venable, yes; Amato, yes; Deckman (excused); Cooley, yes; Ems, yes; Vinson, yes; Crisler, yes; 7 yeas, ordinance passed.

Vivian McKenzie returns with the cable franchise fee rate information.

The rate in question is 3%. Paul Vinson offers a motion to modify rate of 5% on the proposed ordinance and reduce that rate to 3%. Ems seconds the motion. More discussion. Attorney Sweeney recommends passing this ordinance as is, with the 5% rate, indicating the rate could always be changed at a later time. More discussion. Motion is withdrawn by Vinson. Ems withdraws his second.

BILL NO. 2259 AN ORDINANCE EXERCISING CERTAIN LIMITED AUTHORITY RELATING TO OPERATION OF VIDEO SERVICES PROVIDERS AND PROVIDING SUPPLEMENTARY REGULATION OF THE PLACEMENT OF FACILITIES OF VIDEO SERVICE PROVIDERS AND OTHER UTILITIES MAINTAINING FACILITIES WITH THE CITY was read twice by City Clerk Diane Waller. Roll call vote: Moritz, yes; Venable, yes; Amato, yes; Deckman (excused); Cooley, yes; Ems, yes; Vinson, yes; Crisler, yes; 7 yeas, ordinance passed.

BILL NO. 2262 AN ORDINANCE APPROVING AN AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE ARNOLD TRIANGLE REDEVELOPMENT AREA, INCLUDING THE REDEVELOPMENT PROJECT DESCRIBED THEREIN; AND AUTHORIZING CERTAIN ACTIONS BY CITY OFFICIALS was read once by City Clerk Diane Waller.

RESOLUTIONS:

Resolution #07-37 A RESOLUTION AUTHORIZING AN AGREEMENT WITH **BIG R MANUFACTURING, LLC FOR THE FABRICATION AND DELIVERY OF THE OZARK DRIVE VEHICULAR BRIDGE OVER POMME CREEK** was offered by Dave Venable. He then so moved. Seconded by Bill Moritz. Roll call vote: Moritz, yes; Venable, yes; Amato, yes; Deckman (excused); Cooley, yes; Ems, yes; Vinson, yes; Crisler, no, 6 yeas, 1 nay, resolution passed.

Resolution #07-38 A RESOLUTION **REPEALING THE WAIVER OF A PORTION OF THE USER CHARGE FEE FOR THE CITY SANITARY SEWER SYSTEM** was offered by Randy Crisler. He then so moved. Seconded by Al Ems. Roll call vote: Moritz, yes; Venable, yes; Amato, yes; Deckman (excused) Cooley, yes; Ems, yes; Vinson, yes; Crisler, yes; 7 yeas, resolution passed.

MOTIONS

A motion approving change order #7 regarding the Fawn Drive SSD was discussed. Bill Moritz made a motion to authorize the Public Works Director to approve **change order #7 for the Fawn Drive SSD to On Point Contactors, LLC in the amount of \$5,142.73** and so moved. Seconded by Dave Venable. Roll call vote: Moritz, yes; Venable, yes; Amato, yes; Deckman (excused); Cooley, yes; Ems, yes; Vinson, yes; Crisler, yes; 7 yeas, motion carried.

A motion approving change order #1 regarding the Old Lemay Ferry/Mo State Road project was discussed. Paul Vinson moved to authorize the Public Works Director to approve **change order #1 for the Old Lemay Ferry/Mo state Road Project to M. K.G. Construction, Inc. in the amount of \$9,675.00**. Seconded by Al Ems. Roll call vote: Moritz, yes; Venable, yes; Amato, yes; Deckman (excused) Cooley, yes; Ems, yes; Vinson, yes; Crisler, yes; 7 yeas, motion carried.

Motion 9C was previously removed from agenda.

NEW OR OLD BUSINESS

Mayor Powell announced he had received a written resignation from Ward 2 Councilman David Venable stating he was moving out of the city. He reflected on Mr. Venable's accomplishments and thanked him for his service to the city. He stated he played an integral part in many accomplishments the last few years.

Mayor also stated footings for Lowes have been poured and the progress of Dierbergs and other Triangle activities.

Paul Vinson indicated he had previously brought up that VFW Post 2593 had requested permission from the city to shoot off a very loud cannon on the weekend of August 25th and 26th. Discussion followed. Vinson then made a motion to grant this permission to the VFW and then so moved. Seconded by Butch Cooley. Roll call vote: Moritz, yes; Venable, yes; Amato, yes; Deckman (excused); Cooley, yes; Ems, yes; Vinson, yes; Crisler, yes; 7 yeas, motion carried.

After the vote, it was stated necessary signage be provided and safety precautions must be taken prior to this happening.

Dave Venable brought up the gates at Palmer Place and wants to remind council to stay on top of this issue.

Randy Crisler mentioned the water pushing thru the street on Emil. Jeff Blue responded the water company is working on a replacement design.

Paul Vinson reminded all of the many mobile home residents in ward 1 and he asked council to not forget about the mobile home trash rebates that are usually offered in the fall. Council needs to make it known soon that the intention is to have this program again this year.

COMMITTEE REPORTS

There was a liquor committee meeting but since no action was taken, Mr. Moritz stated there is nothing to report.

REPORTS FROM MAYOR AND COUNCIL

Ward 4 – Butch Cooley – Mr. Cooley expressed his desire to see that owners at the Crosswind complex are held accountable for the debris accumulating over there.

Also acknowledged Mr. Venable's departure, thanked him for his participation in council action and wished him well.

Ward 1 – Paul Vinson – reported he had received 2 complaints about an elderly peeping tom in the Lonedell area of Ward 1.

Ward 4 – Al Ems – Reported on the VFW ribbon cutting he had attended and also thanked Mr. Venable and wished him well.

Ward 1 – Randy Crisler – Reflected on Mr. Venable's time on the council and stated how he has made a difference in our city.

Ward 2 – Dave Venable – Shared his feeling about serving on the council and had one last concern – the old building on the corner of Telegraph and Arnold Tenbrook.

Ward 3 – Joyce Deckman – Excused

Ward 2 – Bill Moritz – Shared that he felt Mr. Venable always had the city’s interest at heart. He also talked about his son’s experience today needing a spare tire and shared it so others would be cautioned to check their spare, insuring it would be ready when and if needed.

Ward 3 – Phil Amato – Reflected on Venable’s departure and his accomplishments, i.e. meth ordinance, smoking ban etc. Acknowledged it was a pleasure serving with him.

Attorney Bob Sweeny – No report

Matt Unrein – No report

Diane Waller – No report

Greg Hall – No report

Mary Holden - No report

Jeff Blue – reported the tunnel project is moving along

Vivian McKenzie – No report

Susie Boone – Announced the Strawberry Creek anniversary celebration is scheduled for this weekend. The indoor pool will be closing for maintenance work next week. Also elaborated on the upcoming 2nd anniversary of the rec center and special activities for that celebration.

Chief Shockey – Reported that due to a serious accident tonight, northbound 55 is closed this evening.

Motion to adjourn was offered by Paul Vinson. Seconded by Randy Crisler
Voice vote; 7 yeas, motion carried.

Meeting adjourned at 9:57 pm.

Respectfully submitted,

City Clerk