

## City of Arnold, Missouri

**Public Hearing  
Council Chambers**

**August 20, 2009  
7:30 P.M.**

- A. An Ordinance Fixing the Annual Rate of Levy for Taxes. See Agenda Item 7A.
- B. An Ordinance Approving a New Preliminary Plat Titled Foxwood Estates.

**Council Meeting  
Council Chambers**

**Immediately Following the Public Hearing**

### Agenda

1. Pledge of Allegiance
2. Opening Prayer
3. Roll Call
4. Acceptance Of Minutes: **August 6, 2009**
5. Acceptance Of Warrants: **Payroll Warrant #1062- General Warrant #5505**
6. Business From the Floor
7. Ordinances
  - A. **Bill No. 2346:** An Ordinance Fixing the Annual Rate of Levy for Taxes.
  - B. **Bill No. 2347:** An Ordinance Providing for the Adoption of the Fiscal Year 2010 Budgets.
  - C. **Bill No. 2348:** An Ordinance and reaffirming Chapter 2, Article IX of the Code of Ordinances Relating to Disclosure of Conflicts of Interest and Substantial Interests.
  - D. **Bill No. 2349:** An Ordinance Approving a New Preliminary Plat Titled Foxwood Estates.
8. Resolutions
  - A. **Resolution 09-40:** A Resolution Authorizing an Agreement with Park Mark, Inc. for Street Striping.
  - B. **Resolution 09-41:** A Resolution Authorizing Construction of Improvements in the Ozark Drive NID.
9. Motions
10. New Business
11. Old Business
12. Committee Reports

13. Reports from Mayor and Council.
14. Administrative Reports
  - A. Chick-Fil-A. Conditional Use Permit, 1 Arnold Park Mall.
15. Adjournment

**Next Regular Council Meeting September 3, 2009 at 7:30 p.m.**  
**Next Work Session Meeting September 10, 2009 at 7:00 p.m.**

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August 14, 2009

**REGULAR MEETING**

**August 20, 2009**

**COUNCIL CHAMBERS**

**2101 JEFFCO BLVD**

**8:17 PM**

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Mayor Ron Counts called the meeting to order at 8:17 pm.

The Pledge of Allegiance was recited.

Ms. Tami Wilson of the First Nazarene Church of Arnold offered the opening prayer.

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

**ACCEPTANCE OF THE MINUTES:**

Bill Moritz moved to **accept the minutes of the August 6, 2009 meeting** if there are no other deletions, errors, or corrections. Seconded by Jerel Poor. Roll call vote: Connell, yes; Lindsley, yes; Ems (excused); Hay, yes; Crisler, yes; Poor, yes; Moritz, yes; Deckman (excused); 6 yeas, **motion carried.**

**ACCEPTANCE OF THE WARRANTS:**

City Clerk Diane Waller read **payroll warrant #1062**. Matt Hay moved to pay payroll warrant #1062 pay period ending August 7, 2009, in the amount of \$246,827.88 if the monies are available. Seconded by Jason Connell. Roll call vote: Connell, yes; Lindsley, yes; Ems (excused); Hay, yes; Crisler, yes; Poor, yes; Moritz, yes; Deckman (excused); motion carried. 6 yeas, **motion carried.**

City Clerk Diane Waller read **general warrant #5505**. Jason Connell **moved** to pay **general warrant #5505** in the amount of \$506,593.09 if the monies are available. Seconded by Bob Lindsley. Roll call vote: Connell, yes; Lindsley, yes; Ems (excused); Hay, yes; Crisler, yes; Poor, yes; Moritz, yes; Deckman (excused); 6 yeas, **motion carried.**

**BUSINESS FROM THE FLOOR**

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

**Rob Rosenfeld**, 225 S. Meramec, owner of the Ozark Hills Mobile Home Park, referred to a letter he had sent the Leader newspaper and made comments referring to the “bridge to nowhere”.

**Bernie Wilde**, 3533 Swan Circle South, announced she now has available for sale the \$5 2010 Arnold Historical Society Calendars and shared some of what was included in the photos this year.

**Mike Selby**, 745 Irene, complimented Ron Counts and the city street department for their assistance in improving the water problem at his property. He was now asking for help with a settlement offer that he does not think is fair. He added that in the past he has done a lot of work that was the city’s responsibility and never got any money for doing so. He doesn’t feel this settlement is right and wants the city to help him get a more equitable settlement.

**Snoe Shockley**, 2506 Tanglewood, thanked all those involved with the storm water work done at Woodridge.

**Linda Donnelly**, #7 Ozark Hills, felt the bridge there was okay for 18 years until the building started on Ozark.

**Judy Zumwalt**, a former resident of Ozark Hills, stated she had observed big trucks and felt they had damaged the bridge. Added that area did not flood during the big flood of ’93.

**Lisa Boyd**, 27 Ozark Hills, also indicated she had observed trucks on the bridge.

**Joe Fritz**, 1159 Starlight, spoke of the timing of traffic lights at Jeffco and Arnold Tenbrook and the need for a right turn lane. Felt these were safety issues.

**Earl Zumwalt**, 27 Ozark Hills, stated he too felt the trucks hurt the bridge.

**Shari Bast**, 197 Bennett, identified herself as a former resident of Ozark Hills and added she too saw the trucks go over the bridge.

**Doris Borgelt**, 653 Louisa, read a prepared statement referring to the bridge and did not feel the city should be paying any monies toward this project as this is a private issue.

**Mike Winkler**, 1897 Ozark, read a prepared statement and expressed he felt the bridge failed because of deterioration. He also shared facts and figures and talked about the assessment determination.

**Barb Winkler**, 1801 Ozark, read a prepared statement and advised a construction entrance was made to access their property during construction. The bridge is a safety issue and once replaced Mr. Rosenberg will also benefit.

**Candace Thom**, 80 Hickory Bluff, read a prepared statement expressing opposition to the use of any tax payer money for the Ozark Bridge project.

**Lloyd Rodgers**, 861 Morningside, questioned why the person doing the opening prayer did not have to identify themselves as others do during business from the floor. Mayor responded he would introduce them in the future and added there is a list on the lobby bulletin board of all scheduled to do the opening prayer at the council meetings.

**Mike Bock**, 1889 Ozark, also commented about the Ozark Bridge project and questioned the comments made about the trucks.

**Bryan Wucher**, 3178 Rosedale, expressed concern about whether Rosedale remains opened or is closed. He wants it closed and wants that included in the resolution. Attorney Sweeney addressed his concerns.

Councilman Crisler also advised Rosedale is not to be left open.

**Anna Bock**, 1889 Ozark Drive stated let's move on and do something on this project.

Prior to the ordinances, Mayor amended agenda to move #14A Conditional Use Permit to this part of the meeting if no one objected. None voiced. Mary Holden talked briefly about the Chic Fil-A Restaurant and introduced a representative from GBC Design. He spoke enthusiastically about Chic Fil-A coming to Arnold and provided background on this family oriented organization.

## **ORDINANCES**

**Bill No. 2346 AN ORDINANCE FIXING THE ANNUAL RATE OF LEVY FOR TAXES** was read twice by City Clerk Diane Waller. Roll call vote: Connell, yes; Lindsley, yes; Ems (excused); Hay, yes; Crisler, yes; Poor, yes; Moritz, yes; Deckman (excused); 6 yeas. **Ordinance passed.**

**Bill No. 2347 AN ORDINANCE PROVIDING FOR THE ADOPTION OF THE FISCAL YEAR 2010 BUDGET** was read twice by City Clerk Diane Waller. Roll call vote: Connell, yes; Lindsley, yes; Ems (excused); Hay, yes; Crisler, yes; Poor, yes; Moritz, yes; Deckman (excused); 6 yeas. **Ordinance passed.**

**Bill No. 2348 AN ORDINANCE AMENDING CHAPTER 2, ARTICLE IX, OF THE CODE OF ORDINANCES RELATING TO DISCLOSURE OF CONFLICTS OF INTERESTS AND SUBSTANTIAL INTERESTS** was read twice by City Clerk Diane Waller. Roll call vote: Connell, yes; Lindsley, yes; Ems (excused); Hay, yes; Crisler, yes; Poor, yes; Moritz, yes; Deckman (excused); 6 yeas, **Ordinance passed.**

**Bill No. 2349 AN ORDINANCE APPROVING A NEW PRELIMINARY PLAT TITLED FOXWOOD ESTATES** was discussed.

**Note: This bill was not read this evening.**

Randy Crisler offered a **motion to table Bill No. 2349** . Seconded by Bill Moritz.  
Discussion followed.

Jerel Poor called for the vote. Roll call vote: Connell, yes; Lindsley, no; Ems (excused); Hay, yes; Crisler, yes; Poor, yes; Moritz, yes; Deckman (excused) ; 5 yeas, 1 nay. **Motion carried.**

## **RESOLUTIONS**

**Note: Resolutions were incorrectly numbered on Agenda and have now been corrected to reflect the proper numerical sequence.**

**RESOLUTION NO. 09-41 A RESOLUTION AUTHORIZING AN AGREEMENT WITH PARK MARK, INC. FOR STREET STRIPING** was discussed. Randy Crisler moved on Resolution 09-40. Seconded by Jerel Poor. Roll call vote: Connell, yes; Lindsley, yes; Ems (excused); Hay, yes; Crisler, yes; Poor, yes; Moritz, yes; Deckman, (excused), 6 yeas, **Resolution passed.**

**RESOLUTION NO. 09-42 A RESOLUTION AUTHORIZING CONSTRUCTION IMPROVEMENTS FOR THE OZARK DRIVE NEIGHBORHOOD IMPROVEMENT DISTRICT; AND PROVIDING FOR THE ASSESSMENT OF A SPECIAL TAX AND THE ISSUANCE AND COLLECTION OF A SPECIAL TAX BILL AGAINST THE LOT AND PARCEL OWNERS IN SAID NEIGHBORHOOD IMPROVEMENT DISTRICT TO PAY THE COST OF IMPROVEMENT** was discussed.

Crisler stated one of the requirements in the grant was to close the temporary access through Rosedale upon completion of the bridge. Poor wanted it clarified, this resolution is only for the construction of the bridge. Jerel Poor moved on Resolution 09-41. Seconded by Randy Crisler. Roll call vote: Connell, yes; Lindsley, yes; Ems (excused), Hay, yes; Crisler, yes; Poor, yes; Moritz, yes; Deckman, 6 yeas, **Resolution passed.**

## **MOTIONS**

No motions

## **NEW BUSINESS**

Bob Lindsley informed everyone that Charlie Heisler, a former County Commissioner and long time Arnold resident and volunteer, has undergone heart surgery and is now recuperating.

## **OLD BUSINESS**

Matt Hay stated he would like to make a motion that we place the following question on the April Municipal ballot for an advisory vote of Arnold's citizens: "**Should the Code of Ordinances of the City of Arnold, be modified to render the Automated Traffic Enforcement (Red Light Camera) Ordinance unenforceable to coincide with the termination of the agreement between the City of Arnold and American Traffic Solutions (ATS) for system enforcement effective December 5<sup>th</sup>, 2010.**"

He then made a motion that Arnold place this on the April ballot. Seconded by Jason Connell. Discussion followed.

Randy Crisler made a **motion to table**. Seconded by Bill Moritz. Discussion followed. Roll call vote: Connell, no; Lindsley, no; Ems (excused); Hay, no; Crisler, yes; Poor, no; Moritz, yes; Deckman (excused,) 2 yeas, 4 nays. **Motion to table failed.**

A roll call vote was then taken on **original motion to place this on the April municipal ballot**. Roll call vote: Connell, yes; Lindsley, yes; Ems (excused); Hay, yes; Crisler, no; Poor, yes; Moritz, no, Deckman (excused); 4 yeas, 2 nays. **Motion carried.**

Randy Crisler stated he thought a cost would be involved in this and if so, 5 votes would be needed to pass. City Attorney also expected city funds would be needed to place this on the ballot. Diane Waller stated election/ballot costs have varied for yearly elections.

City staff will contact County Clerks office to determine fees involved with doing this.

## **COMMITTEE REPORTS**

There were no committee reports.

## **REPORTS FROM MAYOR AND COUNCIL**

**Mayor Counts** – Thanked all those involved with the budget. Announced the city would be billing residents the \$7.00 per month allowed by ordinance for trash pickup as this is something we must do. Added some issues from the budget should have been addressed before now. He has asked Councilman Crisler to head a Budget Advisory Committee and also asked Moritz and Connell to be part of that team. They will continually monitor city expenditures and revenues. Also distributed a memo and offered it to the general public addressing the 2010 budget and stated the budget is available for anyone to review.

**Ward 2 – Bill Moritz** – Thanked everyone for getting the Ozark Bridge issues a little closer to being resolved. Reported Vogel Estates has expressed an interest in annexing to Arnold. Staff will take a look at this.

**Ward 3 – Bob Lindsley** – Announced Woodridge Phase 2 is now completed and the residents are quite pleased. Expressed concern for the residents on fixed income in regards to having to pay for trash but acknowledged city is still sharing in some of the cost.

**Ward 1 – Randy Crisler** – Shared the Budget Committee will work diligently to save tax dollars. Commented on the irresponsibility of the folks providing erroneous information to our residents.

**Ward 2 – Jerel Poor** – Commented on the budget difficulties and he too wants to see correct information provided to our residents.

**Ward 4 – Jason Connell** – Thanked Deb Lewis for her assistance with the budget and stated she has ideas for future projections.

**Ward 1 – Matt Hay** – No report

**City Administrator Matt Unrein** – Thanked Mayor and council for the balanced budget

**Diane Waller** – No Report

**Chief Shockey** – Praised his police department and thanked those involved for the budget so the department can continue to be the best.

**Parks Director Susie Boone** – Announced Tony LaRussa will be at the rec cent in September to support pet adoptions. Shared other details about changes in pool hours and closings.

**Community Development Director Mary Holden** – thanked everyone for the balanced budget.

**Public Works Director Bryson Baker** – Announced Clean Stream is Saturday morning.

**Paul Freeze** – Congratulated everyone for the great job on the budget and reminded everyone to come early for Clean Stream as registration starts at 7 am.

**Attorney Robert Sweeney** – No report

**Finance Director Deb Lewis** – No report

**Greg Hall** – Confirmed Rosedale will be closed upon completion of the Ozark Bridge construction and talked about the Fire Department requirements regarding the closure. Fire Department has requested signage that could be knocked down by a fire truck to gain access. Attorney Sweeney suggested a subdivision meeting of the residents before we get to that point so people are properly informed.

A motion to close was offered by Randy Crisler. Seconded by Jerel Poor.  
Voice Vote: all yeas, motion carried and meeting adjourned at 9:54 pm.

Respectfully submitted,

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City Clerk

