

City of Arnold, Missouri

**Public Hearing
Council Chambers**

**December 21, 2017
7:00 P.M.**

- A. 2017-17 Rezoning Request for 1363 Big Bill Road from R-4 Residential to C-4 Planned Commercial.
- B. 2017-21 Minor Record Platt (Woodland Villas Plat 5)
- C. Maxville Gardens Neighborhood Improvement District (NID) (Resolution 17-77)
- D. 2017-22 Revised Preliminary Plat – The Enclave at Strawberry Ridge.

City Council

Immediately Following the Public Hearings

Agenda

- 1. Pledge of Allegiance:
- 2. Opening Prayer: Pastor Jeremy Schultz - St. John's Lutheran Church
- 3. Roll Call:
- 4. Business from the Floor:
- 5. Consent Agenda:
 - A. Regular Minutes **December 14, 2017**
 - B. Payroll Warrant **#1279 in the Amount of \$280,796.79**
 - C. General Warrant **#5704 in the Amount of \$525.417.15**
- 6. Ordinances:
 - A. **Bill No. 2680:** An Ordinance Approving a Rezoning from R-4 Residential To C-4 Planned Commercial and Development Plan for 1363 Big Bill Road Lot 1 and Part of Lot 2 of Fred Bender's Subdivision, to Allow for an Insurance office.
 - B. **Bill No. 2681:** An Ordinance Approving a Record Plat Titled "Woodland Villas Plat 5.

C. **Bill No. 2682:** An Ordinance Approving A Preliminary Plat Titled the Enclave at Strawberry Ridge

7. Resolutions:

A. **Resolution No. 17-77:** A Resolution Providing for the General Nature of Improvements for the Maxville Gardens Neighborhood Improvement District, the Estimated Costs of the Improvements, the Method of Assessment for the Construction of the Improvements, Providing for the Construction of Improvements not to Exceed Twenty-Five (25) Percent and Providing Findings of Benefit.

B. **Resolution No. 17-72:** A Resolution Authorizing the Mayor to Enter into a Contract with the J. M. Marschuetz Construction Co. Inc. to Undertake the NID Infrastructure Improvements Project for Maxville Gardens Subdivision Through an NID Process for the City of Arnold.

8. Motion:

A. None

9. Reports from Mayor, Council, and Committees:

10. Administrative Reports

11. Adjournment

**Next Regular City Council Meeting January 4, 2018 @ 7:00 p.m.
Next Work Session January 11, 2018 at 7:00 p.m.**

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

The Pledge of Allegiance was recited.

Councilman Jason Fulbright offered the opening prayer.

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

BUSINESS FROM THE FLOOR

NONE

CONSENT AGENDA

- A. MINUTES FROM NOVEMBER 16, 2017 MEETING**
- B. PAYROLL WARRANT NO. 1278 IN THE AMOUNT OF \$270,119.80**
- C. GENERAL WARRANT NO. 5703 IN THE AMOUNT OF \$789,131.83**

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

Seconded by Vern Sullivan. Roll call vote: Plunk, yes; Sullivan, yes; Hood, yes; Fulbright, yes; Cooley, yes; Fleischmann, yes; McArthur, yes; Owens, (excused); 7 Yeas:
Consent agenda approved.

ORDINANCES

NONE

RESOLUTIONS

RESOLUTION NO. 17-76 – A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH SPENCER CONTRACTING TO UNDERTAKE THE ASPHALT STREET REPLACEMENT AND REPAIR PROJECT PHASE 1 FOR THE CITY OF ARNOLD

Vern Sullivan made a motion and so moved to approve Resolution No. 17-76.

Seconded by Gary Plunk. Roll call vote: Plunk, yes; Sullivan, yes; Hood, yes; Fulbright, yes; Cooley, yes; Fleischmann, yes; McArthur, yes; Owens, (excused); 7 Yeas:
Resolution approved.

RESOLUTION NO. 17-78 – A RESOLUTION ADOPTING A NEW PAY PLAN IN COMPLIANCE WITH THE STATE OF MISSOURI MINIMUM WAGE LAW

Jason Fulbright made a motion and so moved to approve Resolution No. 17-78. Seconded by Brian McArthur. Roll call vote: Plunk, yes; Sullivan, yes; Hood, yes; Fulbright, yes; Cooley, yes; Fleischmann, yes; McArthur, yes; Owens, (excused); 7 Yeas: **Resolution approved.**

RESOLUTION NO. 17-79 – A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH S. SHAFER EXCAVATING, INC. TO UNDERTAKE THE DEMOLITION OF CERTAIN CITY OWNED RESIDENTIAL HOME STRUCTURES AS PART OF THE MELODY LANE STORM SEWER IMPROVEMENTS PROJECT FOR THE CITY OF ARNOLD

Gary Plunk made a motion and so moved to approve Resolution No. 17-79. Seconded by Vern Sullivan. Roll call vote Plunk, yes; Sullivan, yes; Hood, yes; Fulbright, yes; Cooley, yes; Fleischmann, yes; McArthur, yes; Owens, (excused); 7 Yeas: **Resolution passed.**

RESOLUTION NO. 17-80 – A RESOLUTION APPOINTING GLENNON OVERKAMP TO SERVE ON THE AGING & DISABILITIES COMMISSION AS THE DISABLED COMMUNITY REPRESENTATIVE TO COMPLETE A THREE-YEAR TERM

Mark Hood made a motion and so moved to approve Resolution No. 17-80. Seconded by Jason Fulbright. Roll call vote: Plunk, yes; Sullivan, yes; Hood, yes; Fulbright, yes; Cooley, yes; Fleischmann, yes; McArthur, yes; Owens, (excused); 7 Yeas: **Resolution passed.**

MOTIONS

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)

Jason Fulbright made a motion and so moved to hold a closed session immediately following the City Council meeting. Seconded by Vern Sullivan. Roll call vote: Plunk, yes; Sullivan, yes; Hood, yes; Fulbright, yes; Cooley, yes; Fleischmann, yes; McArthur, yes; Owens, (excused); 7 Yeas. **Motion carried.**

REPORTS FROM MAYOR, COUNCIL AND COMMITTEES

Mayor Counts – Stated it was been a difficult week for our Police Department and he is so proud of how the community has come together. Office O’Connor needs our continued prayers. Mayor Counts strongly encourages everyone to participate in the variety of fundraisers that are taking place. Mayor Counts also informed council he had met with the Corp of Engineers and they have agreed to implement a flood study.

Vern Sullivan-Ward 3 – Encouraged everyone to attend the benefit concert for Officer O’Connor which will be held at Rickman Auditorium on January 7, 2018.

Dan Kroupa – Thanked Bryan Richison for attending the last school board meeting.

Mark Hood-Ward 3 – Stated he is proud of how the community has come together in support of Officer O’Connor.

ADMINISTRATIVE REPORTS

Chief Shockey – Stated there would be a fundraiser this Saturday at all Syberg’s locations. There will also be another concert in addition to the one at Rickman Auditorium, at the VFW. All fundraisers that have been vetted by the Police Department are listed on their Facebook page. Chief Shockey stated he truly appreciates the support of everyone during this difficult time.

Dickie Brown – Stated that tickets for the January 7th concert at Rickman Auditorium are also available for sale at the Rec Center.


Mayor Counts announced a ten minute recess before going into closed session.

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Closed session ended at 8:00 p.m.

A motion to adjourn the meeting was made by Butch Cooley. Seconded by Vern Sullivan. Voice vote: All yeas.

Meeting adjourned at 8:00 p.m.


City Clerk Tammi Casey, MRCC

CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: REGULAR

DATE: 12/14/2017

PAGE: 1

BILL NO - RESOLUTION - MOTION

COUNCIL MEMBERS:

		ROLL CALL	CONSENT AGENDA	RESOLUTION NO. 17-76	RESOLUTION NO. 17-78	RESOLUTION NO. 17-79	RESOLUTION NO. 17-80
MAYOR	<u>RON COUNTS</u>	PRESENT					
COUNCIL:	<u>GARY PLUNK</u>	PRESENT	YES	YES	YES	YES	YES
COUNCIL:	<u>VERN SULLIVAN</u>	PRESENT	YES	YES	YES	YES	YES
COUNCIL:	<u>MARK HOOD</u>	PRESENT	YES	YES	YES	YES	YES
COUNCIL:	<u>JASON FULBRIGHT</u>	PRESENT	YES	YES	YES	YES	YES
COUNCIL:	<u>BUTCH COOLEY</u>	PRESENT	YES	YES	YES	YES	YES
COUNCIL:	<u>EJ FLEISCHMANN</u>	PRESENT	YES	YES	YES	YES	YES
COUNCIL:	<u>BRIAN MCARTHUR</u>	PRESENT	YES	YES	YES	YES	YES
COUNCIL:	<u>DAVID OWENS</u>	EXCUSED	EXCUSED	EXCUSED	EXCUSED	EXCUSED	EXCUSED
CITY ADMINISTRATOR	<u>BRYAN RICHISON</u>	PRESENT	PARKS DIR:		DICKIE BROWN		PRESENT
CITY CLERK	<u>TAMMI CASEY</u>	PRESENT	PUBLIC WORKS:		ED BLATTNER		PRESENT
COM DEV	<u>MARY HOLDEN</u>	PRESENT	TREASURER:		DAN KROUPA		PRESENT
CITY ATTORNEY	<u>ALLISON SWEENEY</u>	PRESENT	POLICE DEPT.		CHIEF SHOCKEY		PRESENT

CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: REGULAR

DATE: 12/14/2017

PAGE: 2

BILL NO - RESOLUTION - MOTION

COUNCIL MEMBERS:

MAYOR RON COUNTS

COUNCIL: GARY PLUNK

COUNCIL: VERN SULLIVAN

COUNCIL: MARK HOOD

COUNCIL: JASON FULBRIGHT

COUNCIL: BUTCH COOLEY

COUNCIL: EJ FLEISCHMANN

COUNCIL: BRIAN MCARTHUR

COUNCIL: DAVID OWENS

CITY ADMINISTRATOR BRYAN RICHISON

CITY CLERK TAMMI CASEY

COM DEV MARY HOLDEN

CITY ATTORNEY BOB SWEENEY

RESOLUTION NO. 17-81	MOTION TO HOLD CLOSED SESSION				
YES	YES				
YES	YES				
YES	YES				
YES	YES				
YES	YES				
YES	YES				
YES	YES				
EXCUSED	EXCUSED				
		PARKS DIR:	DICKIE BROWN		
		PUBLIC WORKS:	ED BLATTNER		
		TREASURER:	DAN KROUPA		
		POLICE DEPT.	CHIEF SHOCKEY		

POW-MIA CITYSM



GUIDELINES TOWARDS ESTABLISHING A "POW-MIA CitySM"

Jefferson Barracks POW-MIA Museum

Preface:

American fighting forces have sacrificed and died for their Nation and fellow Americans for over two centuries.

Many other American Servicemen and Servicewomen have sacrificed their freedom and endured great hardships as Prisoners of War (POW's) during the history of American Military Conflict. Many of those POWs were known to have been taken Prisoner but never returned to American soil after hostilities ended. Their whereabouts remain unknown.

Since the beginning of World War II over 80,000 American Servicemen and Servicewomen continue to be listed as Missing in Action (MIA) around the world. The families of these American MIAs continue to carry the burden of their loved-ones loss and unknown fate.

The Mission of the Jefferson Barracks POW-MIA Museum (JBPM) is "to reverently honor all who served our country in any branch of the United States military, who were captured by enemies of the United States, or who are missing in action from any year and from any conflict."

As part of this Mission the JBPM has established the "POW-MIA City" Program in an effort to raise POW-MIA awareness across the nation. This is an open invitation to towns, municipalities, and cities across the United States to join this program and help insure our national promise "No one left behind. No one forgotten." is kept.

Guidelines:

Listed below are guidelines towards the establishment of a "POW-MIA CitySM" in partnership with the Jefferson Barracks POW-MIA Museum. The POW-MIA City • Proclamation is presented by the Jefferson Barracks POW-MIA Museum Board of Directors to Cities which have presented themselves before the JBPM Board as having "Kept the Faith" by continuing to raise POW-MIA Awareness.

1) What makes a POW-MIA City •?

In alignment with the Jefferson Barracks POW-MIA Museum Mission Statement the fundamental requirement of the city is to actively participate in raising the awareness of the American public regarding POW's and MIA's.

This awareness can be achieved by but is not limited to:

- Displaying a POW-MIA Flag in front of the City Hall or Municipal Building.
- Holding one or more public event(s) designed to raise POW-MIA awareness.
- Placing a Remembrance Plaque in the City Hall listing POWs and MIAs of that city. *Keep in mind when designing a plaque like this a MIA Person may be identified at some point in the future so names may need to be edited.*
- Displaying a "Missing Man Table" at appropriate public events.

2) Getting Started - Approaching Local Government:

Most Towns, Municipalities, and Cities have a Mayor and/or a Board of Supervisors, Aldermen, Commissioners, etc. These are the individuals which oversee the local level of government.

Informing the Mayor's Office and the Local Board of the "POW-MIA City •" Program and explaining the purpose of the program is the first step towards building the consensus which is needed to achieve a Proclamation identifying your city as a "POW-MIA City •".

There is no cost or fee to the City in being designated a POW-MIA City •.

3) Qualification Presentation before the JBPM Board:

After getting the support of your city government the next step is the preparation of a presentation highlighting the activities which make your City a POW-MIA City •. This presentation will be the basis by which the JBPM Board will determine if a Proclamation is warranted. Presentation can be presented in person during a JBPM Board Meeting or presented in document/visual/audio format for review at a Board Meeting. Naturally a live presentation is preferred to allow for relationship building.

After receiving the presentation the JBPM will reach a consensus based on what has been learned. If the consensus is positive, then the City's Point of Contact will be notified and a Proclamation Drafted.

4) Presentation of Proclamation:

Work with the Mayor's Office and Board Chairman to allow enough time prior to the presentation of the Proclamation for notifying Veteran Groups, Civic Groups, News Media, and the general public. Next designate a time and place for the Proclamation Presentation. Achieving broad general participation at the Presentation Event will help build a network for future POW-MIA events and activities in your city.

5) Share what you have done:

Be sure to take several pictures during your city's Proclamation Presentation, POW-MIA Events, and various Awareness Activities. Create a Press Release and share it with local media which did not attend the event.

Note: The POW-MIA CitySM Facebook Page will also be utilized to share current National POW-MIA related news for general distribution.

5) POW-MIA States:

This template can also be used as an outline for a POW-MIA State Proclamation by contacting a State Legislator who would be willing to introduce a Bill or Resolution.

Conclusion:

Thank you for your interest in the Jefferson Barracks POW-MIA Museum and the POW-MIA City • Program. While many of our American POWs and MIAs will not be coming home together we can insure each one is not forgotten.

Museum's POW-MIA City • contact person:

Russ Whitener
314-223-6514

CITY OF ARNOLD, CITY COUNCIL, DECEMBER 7, 2017 MEETING

TO: THE MAYOR AND CITY COUNCIL
FROM: MARY P. HOLDEN, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: 2017-17; REZONING REQUEST FOR 1363 BIG BILL RD. FROM R-4
RESIDENTIAL TO C-4 PLANNED COMMERCIAL, PLANNING
COMMISSION RECOMMENDATION
DATE: NOVEMBER 28, 2017
CC:

Request

Mr. Rich Anton, on behalf of the owner Mr. Robert Guller, trustee, has submitted an application to rezoning 1363 Big Bill Rd. from R-4 Residential to C-4 Planned Commercial. Attached is the application, the applicant's written response to the zoning criteria, the C-4 Planned zoning document, site plan and two aerial maps, one indicating the surrounding zoning.

Summary of Planning Commission Action

The Planning Commission held a public hearing and considered this request at the November 14, 2017 meeting. During the public hearing two residents spoke asking for clarification of what would be allowed under the C-4 Planned Commercial and what is proposed. They were not concerned due to the restrictive nature of the C-4 and the only allowed use being an insurance office. There was no discussion among the Commission member and voted 8-0 to forward a recommendation of approval with the following findings:

1. There is no extension of an existing commercial boundary. However, the proposed planned C-4 Commercial formalizes the use of property that has been in practice for many years and has not been detrimental to surrounding properties and uses.
2. There has not been significant change in the area to warrant the proposed rezoning. However, this is warranted to formalize the history of this property being used as an office.
3. No mistake was made in the original zoning map.
4. The Comprehensive Plan indicates this area as a commercial node.
5. This zone change will be in the best interest since it formalizes the past use of the property.

History

This application was originally on the October 10, 2017 Planning agenda for rezoning to C-2 Commercial. Due to the hesitation of the other allowed uses in C-2, it was suggested to revise the application to a planned C-4 Commercial to address the issue of other allowed used in the C-32 Commercial. The applicants have revised their request to reflect planned C-4 Commercial and it has been re-advertised.

Analysis

The property is surrounded by residentially used and zoned properties. The nearest commercially zoned property is approximately 500 feet to the west. However, the proposed planned C-4 Commercial is in keeping with the history of this property, will keep the use as office and no other allowed uses. The property has operated in the past as office with no issues to the surrounding residential.

When considering a rezoning request, we review, in addition to the criteria below, our Comprehensive Plan in addition to the criteria listed in our Zoning Code. We review the example decision-making factors to consider (page VI-3 attached) in addition to our criteria.

The extension of an existing boundary where said change will not be detrimental and where it is shown that such change is necessary for public convenience or necessity. There is no extension of an existing commercial boundary. However, the proposed planned C-4 Commercial formalizes the use of property that has been in practice for many years and has not been detrimental to surrounding properties and uses.

There has been significant change in the area to warrant a change in zoning classification. There has not been significant change in the area to warrant the proposed rezoning. However, this is warranted to formalize the history of this property being used as an office.

It is shown that a mistake was made in the original zoning map. No mistake was made in the original zoning map.

A change that would make the zoning classification reflect the proposed use in the Land Use Plan of the City of Arnold. The Comprehensive Plan indicates this area as a commercial node.

Other changes where it is shown to be in the best interest for the health, safety, and welfare of the citizens of the City of Arnold. This zone change will be in the best interest since it formalizes the past use of the property.

Community Development Department
City of Arnold
2101 Jeffco Blvd.
Arnold, MO 63010
636-282-2378
636-282-6677 Fax

P#2 11/14/17
Council 12/7

Post Ad - 10/20
Sign-up 10/30



ZONING / REZONING APPLICATION

File Number 2017-17

\$400.00 Fee - Paid _____

APPLICANT/CONTRACT PURCHASER

Rich Anton

Name

1391 Covington Manor Lane, St. Louis, MO 63125

Address, City, State, Zip

(314) 487-7676

Telephone Number

(314) 487-5915

Facsimile Number

1363 Big Bill Road

Property Address (or nearest intersection)

OWNER

Robert Guller, Trustee

Name

500 N. Broadway, St. Louis, MO 63102

Address, City, State, Zip

(314) 599-9400

Telephone Number

(314) 588-9402

Facsimile Number

R-4

Zoning of Property

C-4

Proposed Zoning

Adjacent Zoning

R-4

North

R-4/C-4

South

Highway/C-4

East

R-4

West

amended 10/12/17

Date of Application

November 14, 2017

Meeting Date Targeting

Signature of Applicant

Signature of Owner



Criteria for review:

The extension of an existing boundary where said change will not be detrimental and where it is shown that such changes are necessary for public convenience or necessity.

N/A

There has been significant change in the area to warrant a change in zoning classification.

The parcel has been used as commercial at least since the current owner's Dad opened a CB Radio store in the mid 70's and probably before that. An additional C-4 commercial zone has been added in recent years just south of the parcel. The parcel is on the outer road of 141/55.

It is shown that a mistake was made in the original zoning map.

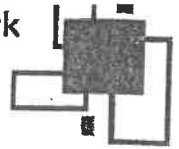
See above.

A change that would make the zoning classification reflects the proposed use in the Land Use Plan of the City of Arnold.

The "New Direction" Land Use Map of the Arnold Comprehensive plan designates the parcel as Commercial/Retail in a Commercial Node at the intersection of 141 & 55.

Other changes where it is shown to be in the best interests for the health, safety, and welfare of the citizens of the City of Arnold.

It is in the best interest for the health safety and welfare of the citizens of Arnold to concentrate commercial land uses along major transportations corridors like the intersection of 55 & 141.

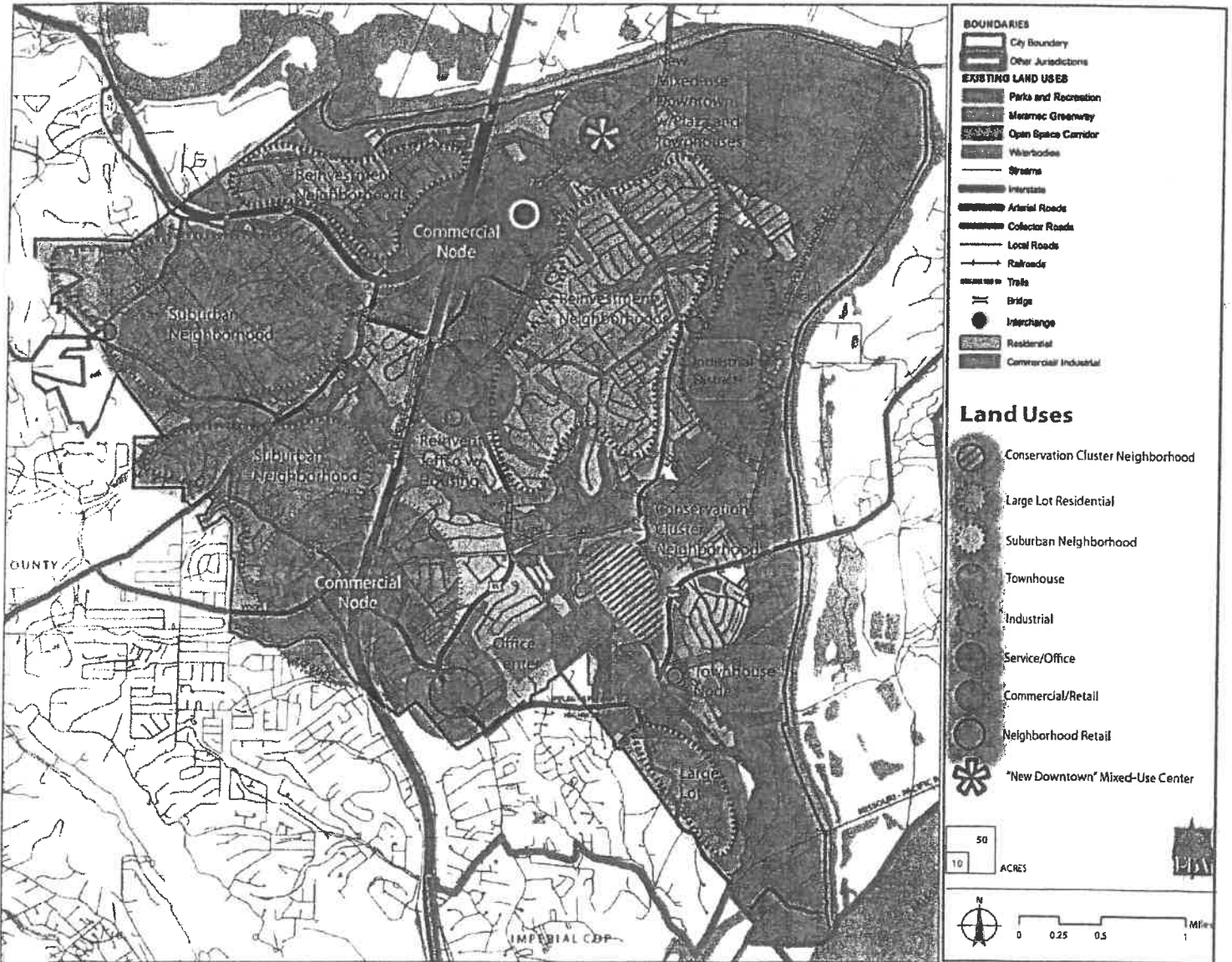


How to Use the Plan Map

The “New Direction” Plan Map is used along with the Plan’s written strategies and policies to help guide future decision-making. The typology is intended as a guide for future development to demonstrate desired patterns that build upon the best existing characteristics of Arnold today. The following land use descriptions serve as a guide for future growth and development within Arnold by outlining recommended uses and densities for each category. The land use designations are for planning purposes and do not represent a change to existing zoning.

“New Direction” Land Use Map

Figure: 20 “New Direction” Land Use Map





Example Decision-making Factors:

Example decision-making factors to consider include:

1. **Zoning, uses and character of the neighborhood:** Factual description of the application area and surrounding property as to existing zoning, land uses, general condition, age of structure, etc.
2. **Suitability of the subject property for the uses to which it has been restricted:** How is the property currently zoned and what uses are allowed on the property? Are these uses suitable given surrounding zoning and site criteria? Are the current allowed uses the only ones which might be appropriate for this property?
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Can the uses allowed in the requested district be good neighbors to existing development? This is a subjective question. The focus should be on facts, not fears, and should be based on issues that zoning can address (e.g., allowed uses, minimum lot sizes, height, setbacks, traffic, etc.)
4. **Length of time subject property has remained vacant as zoned:** Factual information, but its importance can be somewhat subjective. A property might be vacant because the current zoning is unsuitable, but there may be other reasons not related to zoning. Some examples might be a glut of available property of the same zoning district, financing problems, speculation, lack of available services or other development problems.
5. **Relative gain to public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant:** The protection of public health, safety and welfare is the basis for zoning. The relationship between the property owner's right to use and obtain value from their property and the City's responsibility to its citizens should be weighed.
6. **Conformance of the requested change to the adopted or recognized Comprehensive Plan:** Does the request agree with the adopted plan recommendations? If not, is the plan out-of-date or are there mitigating circumstances which speak to the nonconformity?
7. **Impact of the proposed development on community facilities:** Are water and sewer available for extension? How are roads impacted? Can other community facilities (e.g. police, fire, parks, libraries, schools) handle the increased development? Should be based on factual information referencing standards used to make the determination.
8. **Opposition or support of neighborhood residents:** This is just one of the factors to be considered and by itself is not sufficient reason to approve or deny a request.
9. **Recommendation of professional staff:** Should be based on the preceding eight factors, adopted plans and policies, other technical reports (e.g., Capital Improvement Programs, facility master plans, etc.) which speak to the topic and staff's best professional judgment.

The Future of Suburbia:

"The future of suburbia appears to lie in focusing on the development of 'villages' that provide cultural, economic, educational and religious sustenance. This will require the evolution of elements-social, institutions, well-planned streets, open spaces, work spaces and housing-that function within the context of an existing or new community.

Future suburbs will succeed by utilizing the land efficiently and by providing a complete range of alternatives to accommodate varying life stages. In this manner, individual suburbs can fill critical niches not only for individual cities, but entire regions."

The Planning Center.

City of Arnold MO Property and Zoning Records Viewer



October 3, 2017

Jefferson County Parcels - Property

Jefferson County Lot Lines - Lot Lines

Id City Limits

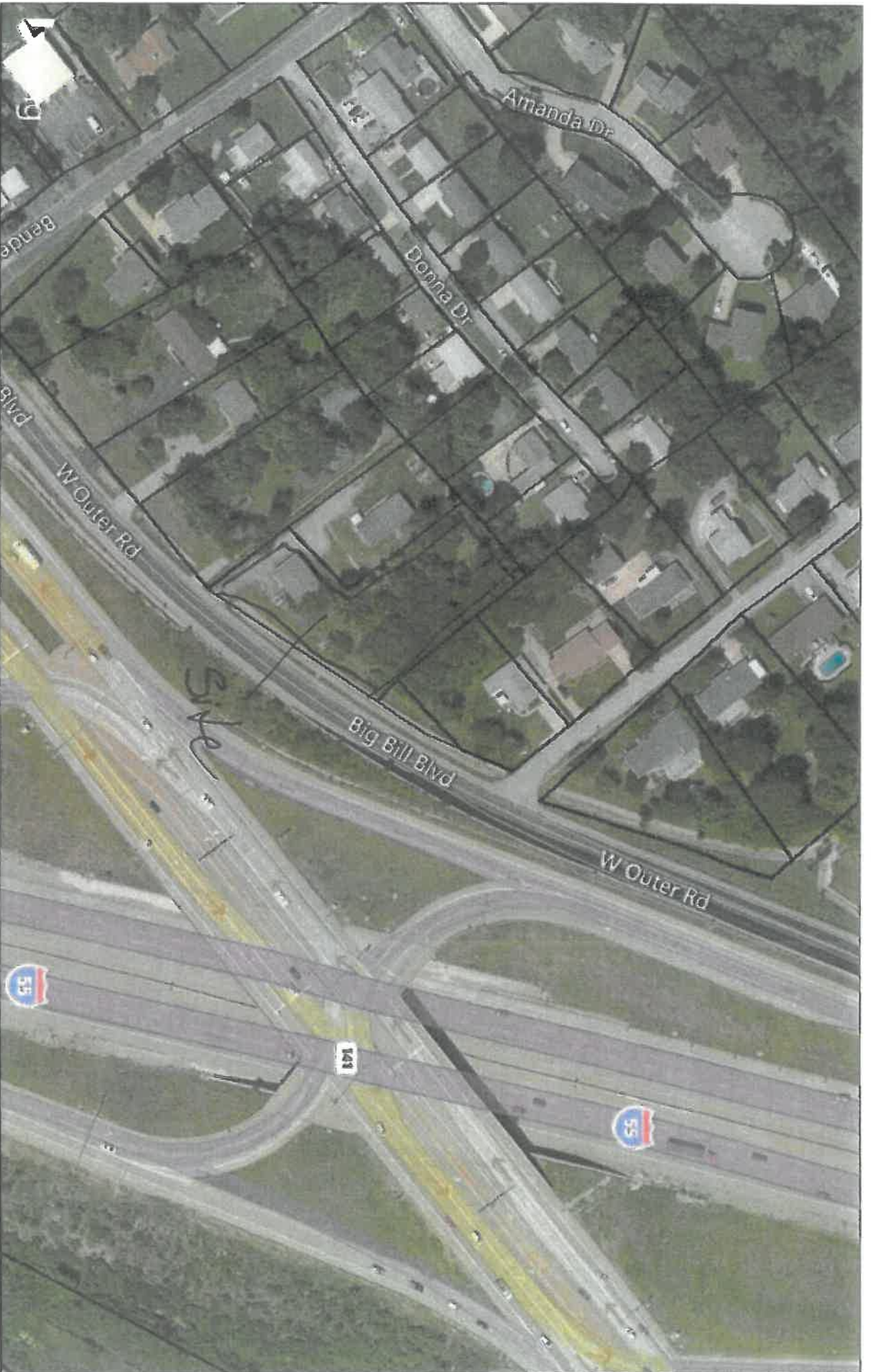
1:4,514

0 0.035 0.07 0.14 mi
0 0.0425 0.085 0.17 km

City of Arnold Community Development
City of Arnold Missouri, Jefferson County Missouri

City of Arnold MO, Website User

City of Arnold MO Property and Zoning Records Viewer

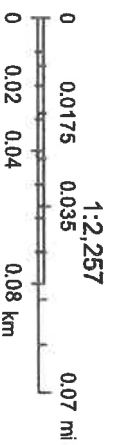


October 3, 2017

Jefferson County Parcels - Property



Arnold City Limits



City of Arnold Missouri, Jefferson County Missouri
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Bill NO. 2680

ORDINANCE NO. _____

AN ORDINANCE APPROVING A REZONING FROM R-4 RESIDENTIAL TO C-4
PLANNED COMMERCIAL AND DEVELOPMENT PLAN FOR 1363 BIG BILL ROAD,
LOT 1 AND PART OF LOT 2 OF FRED BENDER'S SUBDIVISION, TO ALLOW FOR AN
INSURANCE OFFICE

WHEREAS, an application to approve a rezoning from R-4 Residential to C-4 Planning Commercial and a development plan for 1363 Big Bill Road, Lot 1 and Part of Lot 2 of Fred Bender's Subdivision has been submitted to the City of Arnold, and

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

WHEREAS, the Planning Commission has submitted its report and recommendation to the City Council on the proposed rezoning from R-4 Residential to C-4 Planning Commercial and a development plan for 1363 Big Bill Road; and

WHEREAS, the Council finds that there is no extension of an existing commercial boundary. However, the proposed planned C-4 Commercial formalizes the use of property that has been in practice for many years and has not been detrimental to surrounding properties and uses. There has not been significant change in the area to warrant the proposed rezoning. However, this is warranted to formalize the history of this property being used as an office. No mistake was made in the original zoning map. The Comprehensive Plan indicates this area as a commercial node. This zone change will be in the best interest since it formalizes the past use of the property

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

Section 1: The proposed rezoning from R-4 Residential to C-4 Planning Commercial and a development plan for 1363 Big Bill Road, Lot 1 and Part of Lot 2 of Fred Bender's Subdivision has been submitted to the City of Arnold will be developed in accordance with the provisions of this ordinance, Exhibit A and other applicable laws of the City of Arnold.

Section 2. The applicant shall have until the date, which is two years following the effective date of this Ordinance, to complete the project. Upon completion and occupancy permit issued, the plan shall become final.

Section 3. Approval of the rezoning from R-4 Residential to C-4 Planning Commercial and a development plan for 1363 Big Bill Road, Lot 1 and Part of Lot 2 of Fred Bender's Subdivision has been submitted to the City of Arnold, is hereby granted and subject to the regulations outlined in Exhibit A:

Section 4 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 DECEMBER 2017.

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

November 28, 2017

Z:\CITYDOCS\ORDINANC\Ordinance2680c-4,1363bigbillroad.doc

Big Bill (C-4) Planned Commercial District.

A. Permitted Land Uses

Offices and associated work and storage area required to carry on business operations of such offices.

B. Height Limitations For Structures.

As set forth in the Zoning Code of the City of Arnold for similar uses.

C. Lot Area And Yard Requirements.

- a. The lot area for any building in the district shall not be less than approximately one (1) acre.
- b. Setbacks for parking areas and structures shall be as shown on the attached development plan.
- c. All other yard requirements shall be the same as those set forth in the Zoning Code of the City of Arnold for similar uses.

D. Off-Street Parking and Loading Requirements

As shown on the attached development plan.

E. Performance Standards

As those set forth in the Zoning Code of the City of Arnold for similar uses.

F. Other

If not addressed in this document, the current Codes of the City of Arnold prevail

EXHIBIT A

CITY OF ARNOLD, CITY COUNCIL, DECEMBER 7, 2017

TO: THE MAYOR AND CITY COUNCIL
FROM: **DERRICK REDHEAD, PLANNER/GIS TECHNICIAN**
RE: 2017-21 MINOR RECORD PLATT (WOODLAND VILLAS PLAT 5)
DATE: NOVEMBER 30TH, 2017

Request

The City has received an application from Govero Land Services, Inc. on behalf of Riley-Spence & Associates, Inc. for a Minor Record Plat at 501 Woodlands Meadow Dr. The plat splits the current lot 3 on Woodland Villas Plat 5 in the Woodland Manor development. Please refer to the attached Record Plat from the applicant along with an aerial photo of the property.

Summary & Recommendation from Planning Commission Meeting

A public hearing was held at the November 14th, 2017 Planning Commission meeting. At that public hearing one resident spoke to express their concern over the impact to traffic along Woodland Villas Dr. Staff informed that resident that traffic concerns will be reviewed at the time the owners pursue development on the property. The owners will be required to submit an application for site plan review before making improvements to the lot. The Planning Commission voted 9-0 to forward the Minor Record Plat to City Council with a recommendation of approval.

Analysis

Woodland Villas Plat 5 (Lot 3) is zoned R6 Residential and 7.69 acres in area. This plat application creates a new lot 3a, which will be 5.55 acres and encompass all existing buildings on the lot. The new lot 3b will be 2.14 acres of undeveloped land adjacent to U.S. Highway 141. Public access to the property will be provided on a private road easement form Woodlands Drive. The setbacks are noted on plat along with all the utility and access easements

**AN ORDINANCE APPROVING A RECORD PLAT TITLED
"WOODLAND VILLAS PLAT 5"**

WHEREAS, the City of Arnold is required by Section 445.030 and Chapter 89 of Missouri Revised Statutes to approve a plat that is to be recorded by the Recorder of Deeds, Jefferson County, Missouri: and

WHEREAS, the Planning Commission of the City of Arnold has reviewed the proposed record plat, held a public hearing and finds that the plat conforms to the duly enacted ordinances of the City related to subdivision of land and have submitted a report and recommendation for approval of said record plat titled "Woodland Villas Plat 5" to the City Council;

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

Section 1. The City of Arnold hereby accepts and approves the record plat titled "Woodland Villas Plat 5."

Section 2. The acceptance and approval of "Woodland Villas Plat 5" as presented to this City Council in no way relieves the developer of the responsibility of meeting the requirements of any other public or private entity having jurisdiction over such developments, or the requirements of the ordinances of the City of Arnold, Missouri.

Section 3. The acceptance and approval of "Woodland Villas Plat 5" as presented to this City Council is in no way an endorsement of said construction, development or layout, or an acceptance of any publicly dedicated improvements until said improvements have been properly inspected by the Community Development Department and accepted by the City Council as provided by ordinance.

Section 4. Within sixty (60) days after approval of the record plat identified as "Woodland Villas Plat 5" the approved plat shall be recorded with the Jefferson County Recorder of Deeds. In the event said record plat is not properly recorded, said plat approval shall expire in accordance with Section 36 of the City of Arnold Subdivision Ordinance.

Section 5. The approval of the City Council under the hand and seal of the City shall be endorsed upon said plat.

Section 6. 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 DECEMBER 2017

Presiding Officer of the City Council

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

1st reading: _____

2nd reading: _____

APPROVED AS TO FORM:

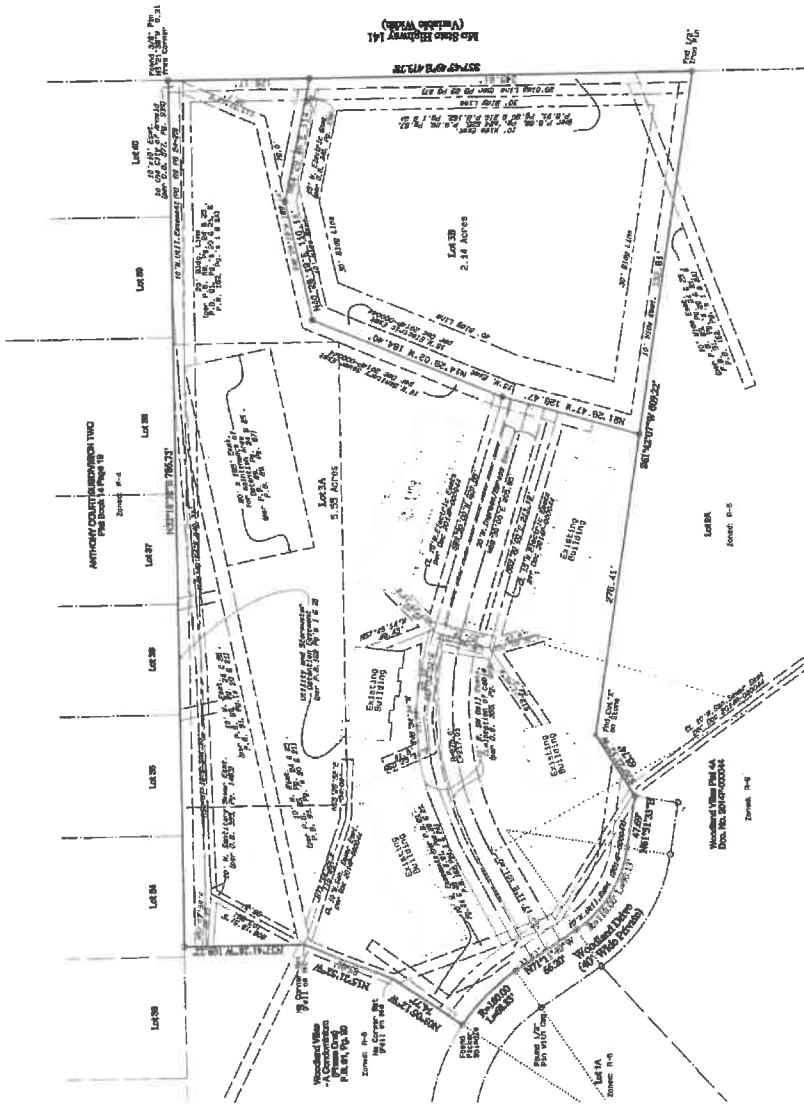
City Attorney Robert Sweeney

Z:\CITYDOCS\ORDINANC\Ordinance 2681. Woodland Plat.doc
Thursday, November 30, 2017

Woodland Villas Plat 5

A Lot Split Plat of Lot 3A of Woodlands Villas Plat 4A (Doc. No. 2014P-000044),
 Located in Lot 16 of U.S. Survey 2991, Township 43 North, Range 6 East,
 Fifth Principal Meridian, City of Arnold, Jefferson County, Missouri

Total Area = 7.69 Acres
 Zone R6



PLANNING & ZONING COMMISSION CERTIFICATE
 This is to certify that the plat of WOODLAND VILLAS PLAT 5
 was approved by the City of Arnold, Missouri, on the _____ day of _____, 2017.
 City of Arnold, Missouri

PLANNING & ZONING COMMISSION CERTIFICATE
 This is to certify that the plat of WOODLAND VILLAS PLAT 5
 was approved by the City of Arnold, Missouri, on the _____ day of _____, 2017.
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 This is to certify that the plat of WOODLAND VILLAS PLAT 5
 was approved by the City of Arnold, Missouri, on the _____ day of _____, 2017.
 City of Arnold, Missouri

WOODLAND VILLAS PLAT 5
 The undersigned, _____, of the County of _____, State of Missouri, do hereby certify that the plat of WOODLAND VILLAS PLAT 5 was approved by the City of Arnold, Missouri, on the _____ day of _____, 2017.

WOODLAND VILLAS PLAT 5
 The undersigned, _____, of the County of _____, State of Missouri, do hereby certify that the plat of WOODLAND VILLAS PLAT 5 was approved by the City of Arnold, Missouri, on the _____ day of _____, 2017.

WOODLAND VILLAS PLAT 5
 The undersigned, _____, of the County of _____, State of Missouri, do hereby certify that the plat of WOODLAND VILLAS PLAT 5 was approved by the City of Arnold, Missouri, on the _____ day of _____, 2017.

WOODLAND VILLAS PLAT 5
 The undersigned, _____, of the County of _____, State of Missouri, do hereby certify that the plat of WOODLAND VILLAS PLAT 5 was approved by the City of Arnold, Missouri, on the _____ day of _____, 2017.

<p>GOVERO LAND SERVICES SURVEYING & ENGINEERING 10000 N. MISSOURI AVE. OVERLAND PARK, MO 66210</p>	<p>DATE: _____ TIME: _____</p>
--	---

WOODLAND VILLAS PLAT 5
 The undersigned, _____, of the County of _____, State of Missouri, do hereby certify that the plat of WOODLAND VILLAS PLAT 5 was approved by the City of Arnold, Missouri, on the _____ day of _____, 2017.

WOODLAND VILLAS PLAT 5
 The undersigned, _____, of the County of _____, State of Missouri, do hereby certify that the plat of WOODLAND VILLAS PLAT 5 was approved by the City of Arnold, Missouri, on the _____ day of _____, 2017.

WOODLAND VILLAS PLAT 5
 The undersigned, _____, of the County of _____, State of Missouri, do hereby certify that the plat of WOODLAND VILLAS PLAT 5 was approved by the City of Arnold, Missouri, on the _____ day of _____, 2017.

WOODLAND VILLAS PLAT 5
 The undersigned, _____, of the County of _____, State of Missouri, do hereby certify that the plat of WOODLAND VILLAS PLAT 5 was approved by the City of Arnold, Missouri, on the _____ day of _____, 2017.

501 Woodlands Meadow Dr



City of Lincoln, Missouri. Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



0 0.03 0.05 0.1 0.15 0.2 Miles

CITY OF ARNOLD CITY COUNCIL DECEMBER 21, 2017 MEETING

TO: THE MAYOR AND CITY COUNCIL
FROM: MARY P. HOLDEN, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: 2017-22 REVISED PRELIMINARY PLAT- THE ENCLAVE AT STRAWBERRY RIDGE, PLANNING COMMISSION RECOMMENDATION
DATE: DECEMBER 13, 2017
CC:

REQUEST

On behalf of Jacob Mirowitz and Mirowitz Real Estate, Igor Gusev of Fribis Engineering presents a REVISED preliminary plat for The Enclave at Strawberry Ridge. Thirteen units and seven lots are proposed for the 7.36 acre parcel located at the end of Strawberry Ridge Drive within Strawberry Ridge Subdivision. Attached are the application, plans and revised tree preservation plan.

PLANNING COMMISSION SUMMARY AND RECOMMENDATION

The Planning Commission held a public hearing and considered this request at their December 12, 2017 meeting. There were no public comments during the hearing. During the regular meeting there was just a few comments about needing the hammer head turn-around due to space and rock and where the location of the subdivision entry monument. After the brief discussion, the Commission voted 10-0 to forward a recommendation of approval with the below conditions:

1. Approval of this preliminary plat supersedes and voids the approved 2017-08 preliminary plat for the Enclave at Strawberry Ridge.
2. The plan shows retaining walls. To clarify ALL retaining walls require an easement or be located in common ground and maintenance agreement provided for or indicated in the indentures.
3. Condo Indentures must provide for legal review prior to record plat.
4. The landscaping plan, trees and plant species must conform to city regulations and the developer can work with staff in regard to the specific planting and location.
5. All Jefferson County grading easements, land disturbance approvals for the offsite land, as well as MoDNR permits, are needed prior to issuance of the City of Arnold Grading and Erosion Control permit.

6. Sanitary sewer and utilities permits, if any, are separate from this approval.

HISTORY

The Planning Commission held a public hearing and considered this request at their June 13, 2017 meeting and Council held a public hearing and approved the request at their July 6, 2017 meeting. The previous preliminary plat approved contained eight lots (sixteen units) and much more site disturbance.

ANALYSIS

The subdivision was originally planned and developed in 2001-2002. Since then, there has been fluctuation in owners and the residential market, where this piece of land has lay dormant for some time. In 2005, there was a proposal that consisted of 80 multifamily units which was denied.

Tonight, staff is excited to present this proposal for the long time vacant ground. The Enclave at Strawberry Ridge is a triangular portion of land that is 7.36 Acres and zoned R-6. Currently, the plan shows seven lots, six that are two units and one single family.

In regard to storm water design, the original subdivision detention calculations also accounted for this future development for a multi-unit use. The City codes storm water quality feature is shown (conceptually) and is required to meet our standards for this project.

As presented, the use and manner in which this development is planned meets general conformity of the zoning and subdivision code. With exception, there are outstanding housekeeping, technical and code items identified below:

Approval of this preliminary plat supersedes and voids the approved 2017-08 preliminary plat for the Enclave at Strawberry Ridge.

The retaining wall shown is located in common ground. The indentures must indicate that the Home Owners Association are responsible for the maintenance and upkeep of the wall.

A five foot easement is needed for a four foot wide sidewalk. As a side note, the sidewalk is maintained by the home owner.

The landscape plan is looks good. However, trees need to be put in the front yard within the property limits.

This plan shown much less removal than previous. Subsequently more tree mass is kept. Please see the updated Tree Preservation memo from SCI Engineering.

We would like to point out that the rear and front yard setbacks proposed exceed our Zoning Code requirements. Setbacks shown for the rear is 30' but the min per code is 15'; and front setback is as 30' but the code is 25'.

Community Development Department
City of Arnold
2101 Jeffco Blvd.
Arnold, MO 63010
636-282-2378
636-282-6677 Fax

*12/12/17
4MTG*



PRELIMINARY PLAT APPLICATION

File Number 2017-22 Fee \$200 up to 10 Lots, \$10.00 for each addl Lot - Paid \$200.00 11/14/17

APPLICANT/CONTRACT PURCHASER

Mirowitz Real Estate Inv.
Name
11500 Olive Blvd. Ste 240
Address, City, State, Zip
314-983-0788
Telephone Number

Facsimile Number

Strawberry Ridge Dr. & Guardian
Property Address (or nearest intersection)

Rock Creek
Sanitary District

636-464-3305
Telephone Number

11/14/17
Date of Application

OWNER

Four County Holdings LLC
Name
11500 Olive Blvd. Ste 240
Address, City, State, Zip Creve Coeur, MO
314-983-0788
Telephone Number

Facsimile Number

C-1 7
Zoning of Property Number of Lots

C-1
Water District

636-942-3869
Telephone Number

Rock Community
Fire District

636-296-2211
Telephone Number

12/12/2017
Meeting Date Targeting

Jacob Mirowitz for Four County Holdings LLC
Signature of Applicant and/or Owner



SCI ENGINEERING, INC.
EARTH • SCIENCE • SOLUTIONS
GEOTECHNICAL
ENVIRONMENTAL
NATURAL RESOURCES
CULTURAL RESOURCES
CONSTRUCTION SERVICES

December 7, 2017

Mr. Jacob Mirowitz
Mirowitz Real Estate Investments, LLC
1929 Richardson Road
Arnold, Missouri 63010

RE: Tree Preservation Update
The Enclave at Strawberry Ridge
Arnold, Missouri
SCI No. 2017-0380.30

Dear Mr. Mirowitz:

At your request, SCI Engineering, Inc. (SCI) has reviewed the updated Enclave at Strawberry Ridge site development plans, dated November 14, 2017, to aid in complying with the City of Arnold's Tree Preservation Ordinance (Section 405.560). We compared the limits of proposed disturbance from this updated plan to UAV collected aerial photography that was obtained on May 9, 2017 by an SCI commercially licensed pilot. Based on our review of the revised grading and site development plans, SCI estimates that approximately 0.59 acres or 12.19 percent of the forested area will be cleared as part of construction activities. This will result in approximately 4.25 acres or 87.8 percent of tree preservation for the project. An updated figure depicting this clearing versus preservation comparison is illustrated on the *Site Plan and Aerial Overlay*, enclosed as Figure 3.

If you have any questions regarding this letter or need additional information, please contact me at (636) 757-1017 or at rgundlach@sciengineering.com.

Respectfully,

SCI ENGINEERING, INC.

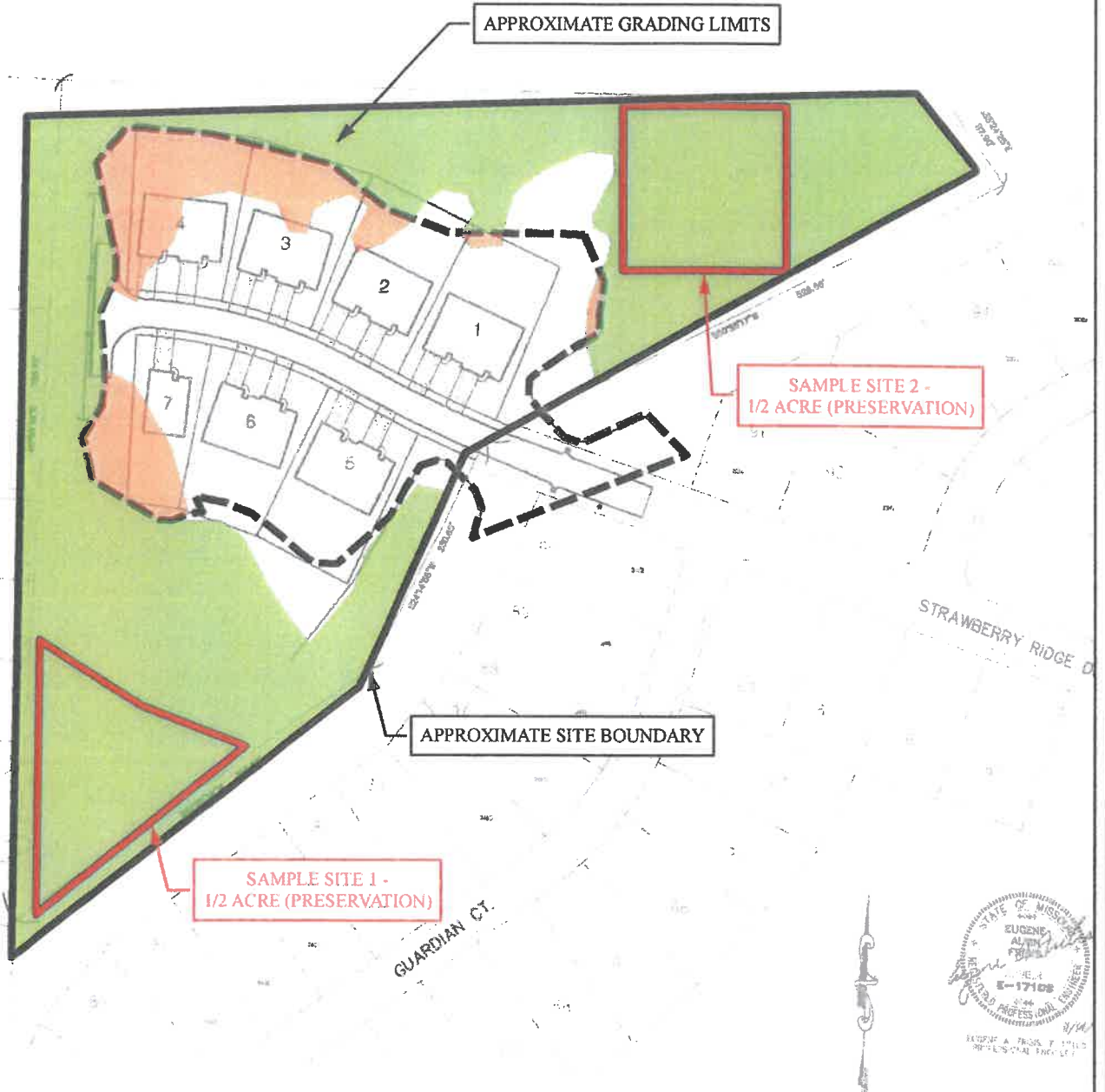
A handwritten signature in black ink that reads "Rich Gundlach". The signature is written in a cursive, flowing style.

Richard J. Gundlach, PWS
Project Scientist

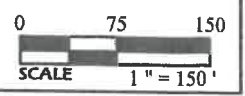
RJG/jcm

Enclosures

Figure 3 - Site Plan and Aerial Overlay



TREE-CLEARING		
	PRESERVED	CLEARED
ACREAGE	4.25	0.59
TOTAL CLEARED (AC)		0.59



PROJECT NAME			
THE ENCLAVE AT STRAWBERRY RIDGE ARNOLD, MISSOURI			
SITE PLAN & AERIAL OVERLAY			
DRAWN BY	RCV	DATE	JOB NUMBER
CHECKED BY	RJG	12/2017	2017-0380.30

GENERAL NOTES/LEGEND

AERIAL PHOTOGRAPH OBTAINED FROM SCI UAV FLIGHT, 5/09/2017.

FIGURE
3

**AN ORDINANCE APPROVING A PRELIMINARY PLAT TITLED
THE ENCLAVE AT STRAWBERRY RIDGE**

WHEREAS, the Planning Commission of the City of Arnold has reviewed a proposed preliminary plat and has submitted a report with findings and conditions of said preliminary plat titled “The Enclave at Strawberry Ridge” to the City Council; and

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

WHEREAS, the Council of the City of Arnold is required to review the preliminary plat and consider its approval;

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

Section 1. The City of Arnold hereby accepts and approves the preliminary plat titled “The Enclave at Strawberry Ridge.” Said development is located on a 7.36-acre tract of land located at the terminus of Strawberry Ridge Drive.

Section 2. The acceptance and approval of the preliminary plat for “The Enclave at Strawberry Ridge” as presented to this City Council in no way relieves the developer of the responsibility of meeting the requirements of any other public or private entity having jurisdiction over such developments, or the requirements of the ordinances of the City of Arnold, Missouri.

Section 3. The acceptance and approval of “The Enclave at Strawberry Ridge” as presented to this City Council is in no way an endorsement of said construction, development or layout, or an acceptance of any publicly dedicated improvements until said improvements have been properly inspected by the Community Development Department and accepted by the City Council as provided by ordinance.

Section 4. The preliminary plat identified as “The Enclave at Strawberry Ridge” shall be valid for a period of two (2) years from the date of its approval.

Section 5. The preliminary plat identified as “The Enclave at Strawberry Ridge” is subject to the conditions outlined in the Staff report to the City Council dated June 28, 2017 and as follows:

Conditions

1. Approval of this Ordinance and preliminary plat supersedes and voids the approved Ordinance 2668 Enclave at Strawberry Ridge preliminary plat
2. The plan shows retaining walls. To clarify ALL retaining walls require an easement or be located in common ground and maintenance agreement provided for or indicated in the indentures.
3. Condo Indentures must provide for legal review prior to record plat.
4. The landscaping plan, trees and plant species must conform to city regulations and the developer can work with staff in regard to the specific planting and location.
5. All Jefferson County grading easements, land disturbance approvals for the offsite land, as well as MoDNR permits, are needed prior to issuance of the City of Arnold Grading and Erosion Control permit.
6. Sanitary sewer and utilities permits, if any, are separate from this approval.

Section 6. General Development Conditions apply as follows:

- a. A grading permit is required prior to any grading on the site.
- b. If cut and fill operations occur during a season not favorable for immediate establishment of a permanent ground cover, a fast germinating annual, such as rye, shall be utilized to retard erosion.
- c. The petitioner shall be responsible for obtaining all necessary permits and approvals from the Missouri Department of Natural Resources, Public Water Supply District No. 1, American Water and Rock Community Fire Protection District as they relate to the development of this tract of land.
- d. Provide adequate temporary off-street parking for construction employees. Parking on non-surfaced areas is prohibited in order to eliminate the conditions whereby mud from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions.
- e. Failure to comply with any or all the conditions of this ordinance shall be adequate cause for revocation of permits by issuing City Departments or Commissions.

Section 7. The approval of the City Council under the hand and seal of the city shall be endorsed upon said plat.

Section 8. 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 DECEMBER 2017.

Presiding Officer of the City Council

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

1st reading: _____

2nd reading: _____

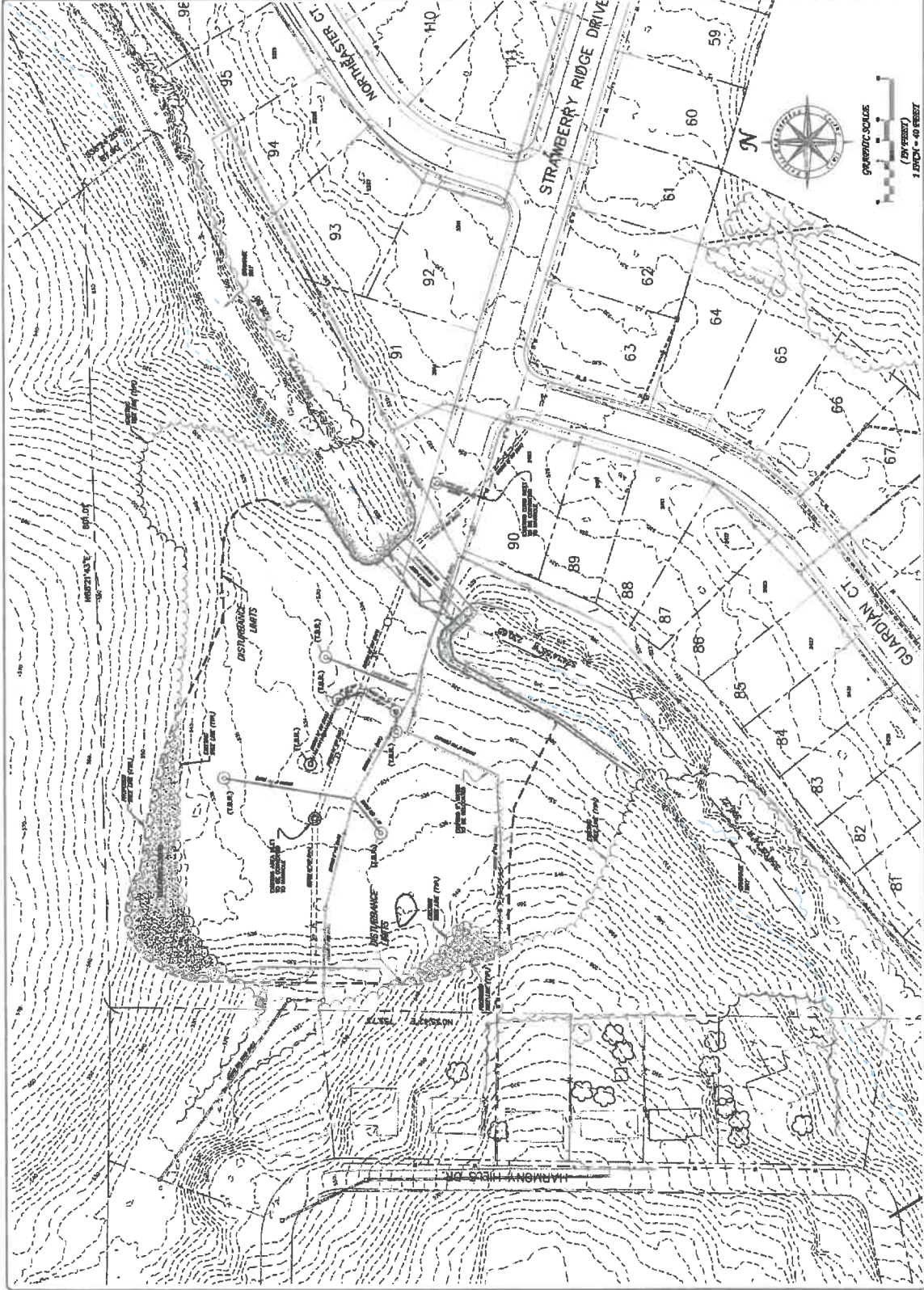
APPROVED AS TO FORM:

City Attorney Robert K. Sweeney

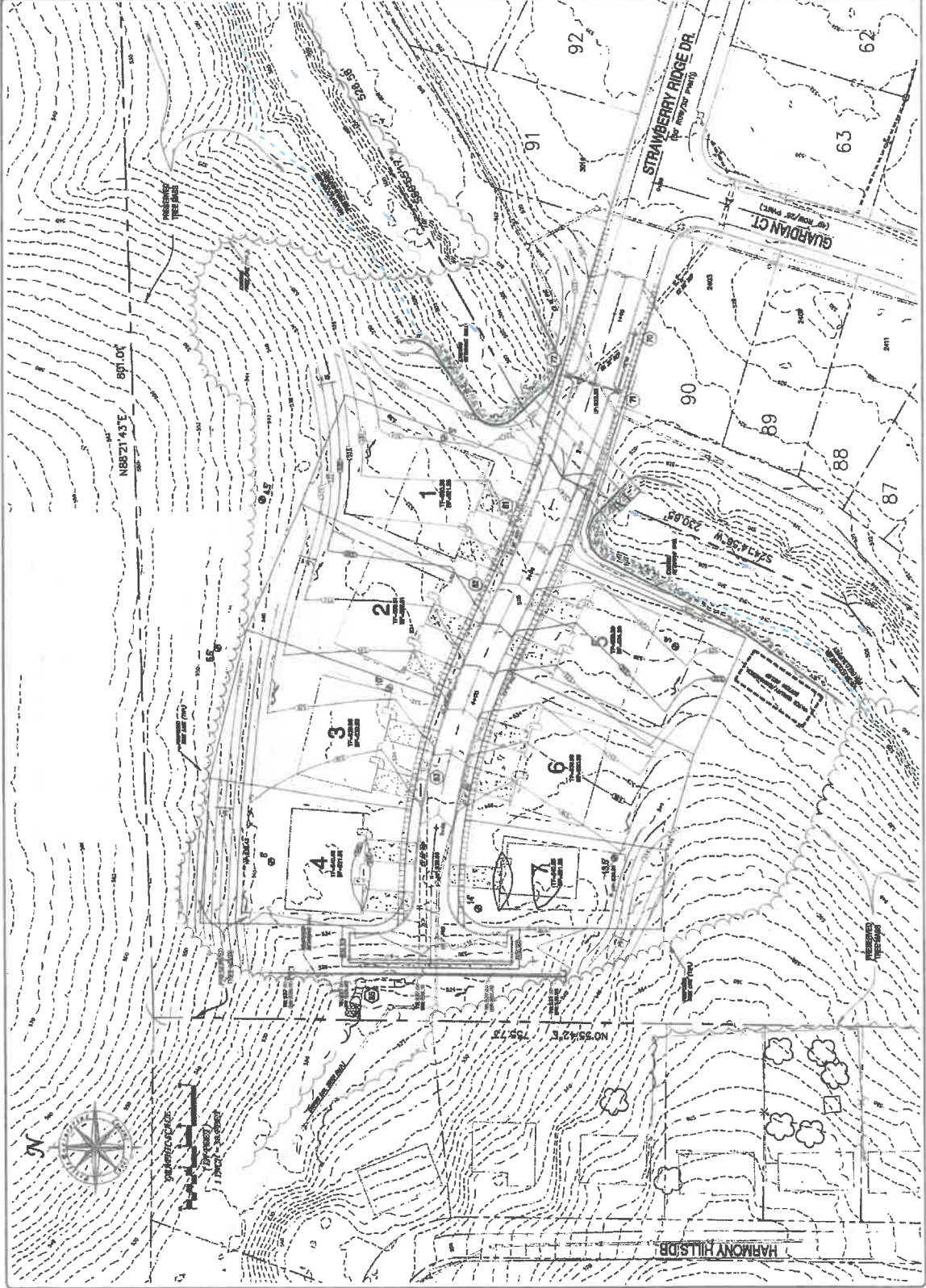
December 13, 2017



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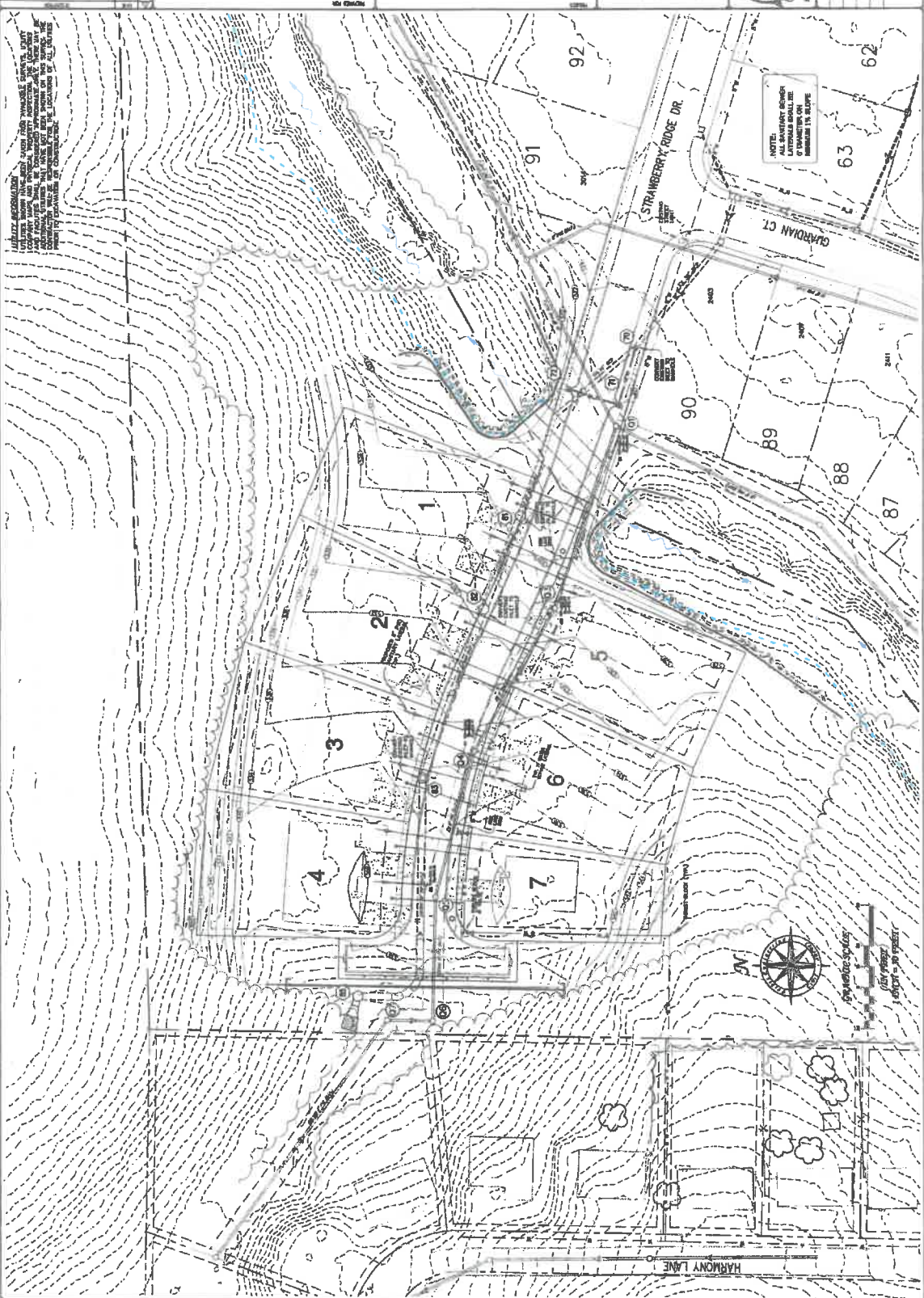
<p>JACOBS</p> <p>JACOBS MITROWITZ MITROWITZ REAL ESTATE INVESTMENTS, INC. 17500 OLIVE BLVD., SUITE 240 ST. LOUIS, MO 63141 (314) 933-0783</p>	<p>TRIMIS</p> <p>THE ENGINEERING & ARCHITECTURAL FIRM 1000 N. GARDEN ST. ST. LOUIS, MO 63102 (314) 435-1100</p>		<p>2</p>
			<p>1</p>



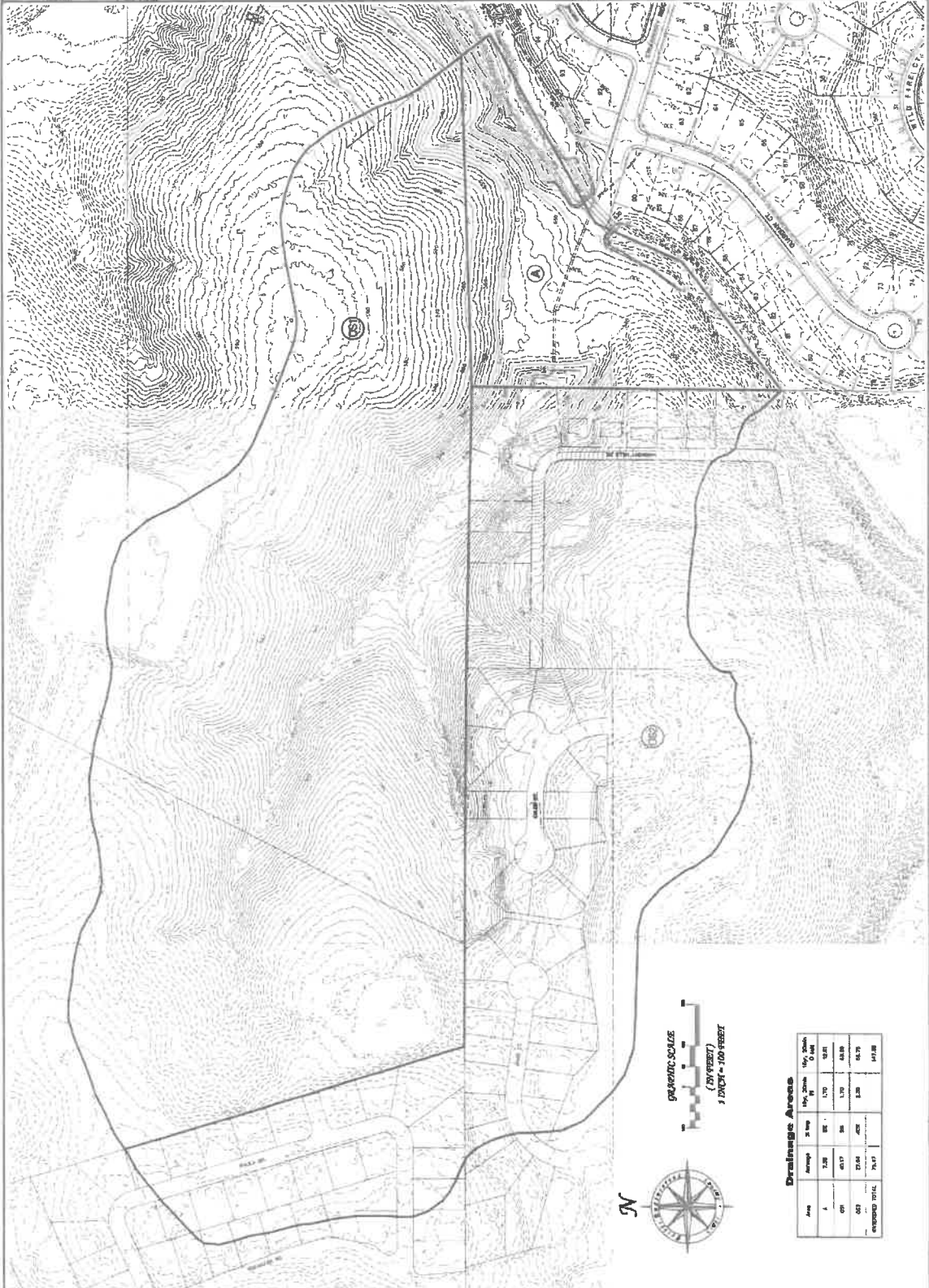
		FRIBS ENGINEERING 1000 OLIVE ST. SUITE 240 ST. LOUIS, MO 63141 (314)923-0788	GRADING PLAN THE ENCLAVE AT STRAWBERRY RIDGE ARNOLD, MISSOURI	PROJECT NO. SHEET NO.



 <p>THE ENGINEERING & ARCHITECTURE FIRM 11500 OLIVE BLVD. SUITE 240 ST. LOUIS, MO 6314 (314) 993-0788</p>	<p>UTILITY PLAN THE ENCLAVE AT STRAWBERRY RIDGE ARNOLD, MISSOURI</p>		<p>SCALE: 1" = 40'</p>	<p>DATE: 08/11/11</p>	<p>PROJECT NO.: 11-0001</p>



11-0001



Drainage Areas

Area	Area (Acres)	Perimeter (Feet)	Perimeter (Miles)
A	1.28	85	0.0015
B	0.17	10	0.0002
C	0.17	10	0.0002
D	0.17	10	0.0002
E	0.17	10	0.0002
F	0.17	10	0.0002
G	0.17	10	0.0002
H	0.17	10	0.0002
I	0.17	10	0.0002
J	0.17	10	0.0002
K	0.17	10	0.0002
L	0.17	10	0.0002
M	0.17	10	0.0002
N	0.17	10	0.0002
O	0.17	10	0.0002
P	0.17	10	0.0002
Q	0.17	10	0.0002
R	0.17	10	0.0002
S	0.17	10	0.0002
T	0.17	10	0.0002
U	0.17	10	0.0002
V	0.17	10	0.0002
W	0.17	10	0.0002
X	0.17	10	0.0002
Y	0.17	10	0.0002
Z	0.17	10	0.0002
UNASSIGNED TOTAL	76.47		0.0014

CITY OF ARNOLD, CITY COUNCIL, DECEMBER 7, 2017 MEETING

TO: THE MAYOR AND CITY COUNCIL
FROM: MARY P. HOLDEN, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: RESOLUTION 17-77, MAXVILLE GARDENS NEIGHBORHOOD
IMPROVEMENT DISTRICT
DATE: NOVEMBER 28, 2017
CC:

Attached is the next step for the Maxville Gardens Neighborhood Improvement District and the start of construction. The primary components of this resolution enables the construction of improvements, provides for the cost of \$190,000 plus 25% over if needed, and the assessment for each lot.

Approval of the resolution will allow the City to award the contract for the construction of the improvements.

The next step will be for the City to accept the streets upon successful completion of the construction.

Resolution No. 17-77

A RESOLUTION PROVIDING FOR THE GENERAL NATURE OF IMPROVEMENTS FOR THE MAXVILLE GARDENS NEIGHBORHOOD IMPROVEMENT DISTRICT, THE ESTIMATED COSTS OF THE IMPROVEMENTS, THE METHOD OF ASSESSMENT FOR THE CONSTRUCTION OF THE IMPROVEMENTS, PROVIDING FOR THE CONSTRUCTION OF IMPROVEMENTS NOT TO EXCEED TWENTY-FIVE (25) PERCENT AND PROVIDING FINDINGS OF BENEFIT

WHEREAS, the City Council of the City of Arnold, Missouri, ordered the establishment of the Maxville Gardens Neighborhood Improvement District on September 7, 2017 per Resolution 17-55; and

WHEREAS, the general nature of the improvements and cost estimates of \$190,000 have been determined; and

WHEREAS, the boundary of the Maxville Gardens Neighborhood Improvement District is the same as identified in Resolution 17-55; and

WHEREAS, the method of assessment for the cost of the improvements is per lot, excepting those parcels owned by the Maxville Gardens Home Owners Association; and

WHEREAS, this resolution provides for the construction of said improvements with the actual cost not to exceed 25% of the estimated cost of \$190,000; and

WHEREAS, the City Council finds the improvements are beneficial to the properties in the Maxville Gardens Neighborhood Improvement District by having infrastructure that meets City of Arnold standards and will be maintained by the City upon successful completion of the improvements.

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

Section I

The City Council hereby provides for the construction of the improvements, more specifically described on Exhibit B, which is attached hereto and made a part hereof by reference, are advisable and desirable.

Section II

The District boundary remains the same as authorized by Resolution 17-55 as shown on Exhibit C, which is attached hereto and made a part hereof by reference.

Section III

The estimated cost of the Project is \$190,000.00 and actual costs shall not exceed 25% of the estimated cost.

Section IV

The City Council hereby states and finds that the proposed method of assessment is: equal shares per dwelling unit with a minimum of one (1) assessment per lot with the exception of Lots 68, 75, 82, and common ground owned by the Maxville Gardens Home Owners Association, which are specifically excluded any from any assessment at this time. The assessment will be \$2,375 per lot.

Passed and approved by the Council of the City of Arnold, Missouri, this _____ day of _____, 2017.

Presiding Officer of the City Council

Mayor Ron Counts

Attest: _____
City Clerk Tammi Casey

Date: _____

November 27, 2017
17-77 2nd Maxville Gardens NID resolution

MAXVILLE GARDENS SUBDIVISION
Street and Sidewalk Slab Replacement and new Construction

Vertical Curb (309 Eirene)	6 in.	4	Dowell at 12 inch on center
SIDEWALK REPLACEMENT	SIZE	SQ. YDS	DEPTH
Karpos Entrance	4 X 4	1.78	4 in.
701 Karpos	5 X 4	2.22	4 in.
133 Pistis	5 X 4	2.22	4 in.
125 Pistis	5 X 4	2.22	
TOTAL		8.44	
NEW SIDEWALK CONSTRUCTION	SIZE	SQ. YDS	DEPTH (4 in)
Karpos Main Entrance	117 X 4	52	
Karpos Main Drive	365 X 4	162.22	
2004 Agape Corner	122 X 4	54.22	
2027 - 2037 Agape	65 X 4	26.89	
2030 - 2038 Agape	78 X 4	34.66	
Chara Street	62 X 4	27.56	
1809 Chara Street	46 X 4	20.44	
Pistis Cul-de-sac	180 X 4	80	
308 Eirene Cul-de-sac to Karpos	180 X 4	80	
1752 Karpos across the street	40 X 4	17.78	
1727 Karpos	172 X 4	76.44	
2037/2038 Agape Drive	5 X 4	2.22	
Lot 14	51 X 4	22.67	
TOTAL		659.1	
	SAW CUTTING ESTIMATE *	900 feet	
DRIVEWAY REPLACEMENT			
2013 Agape	27 x 33	99 sy	Depth 6 in.

MAXVILLE GARDENS SUBDIVISION

Street Sign Work

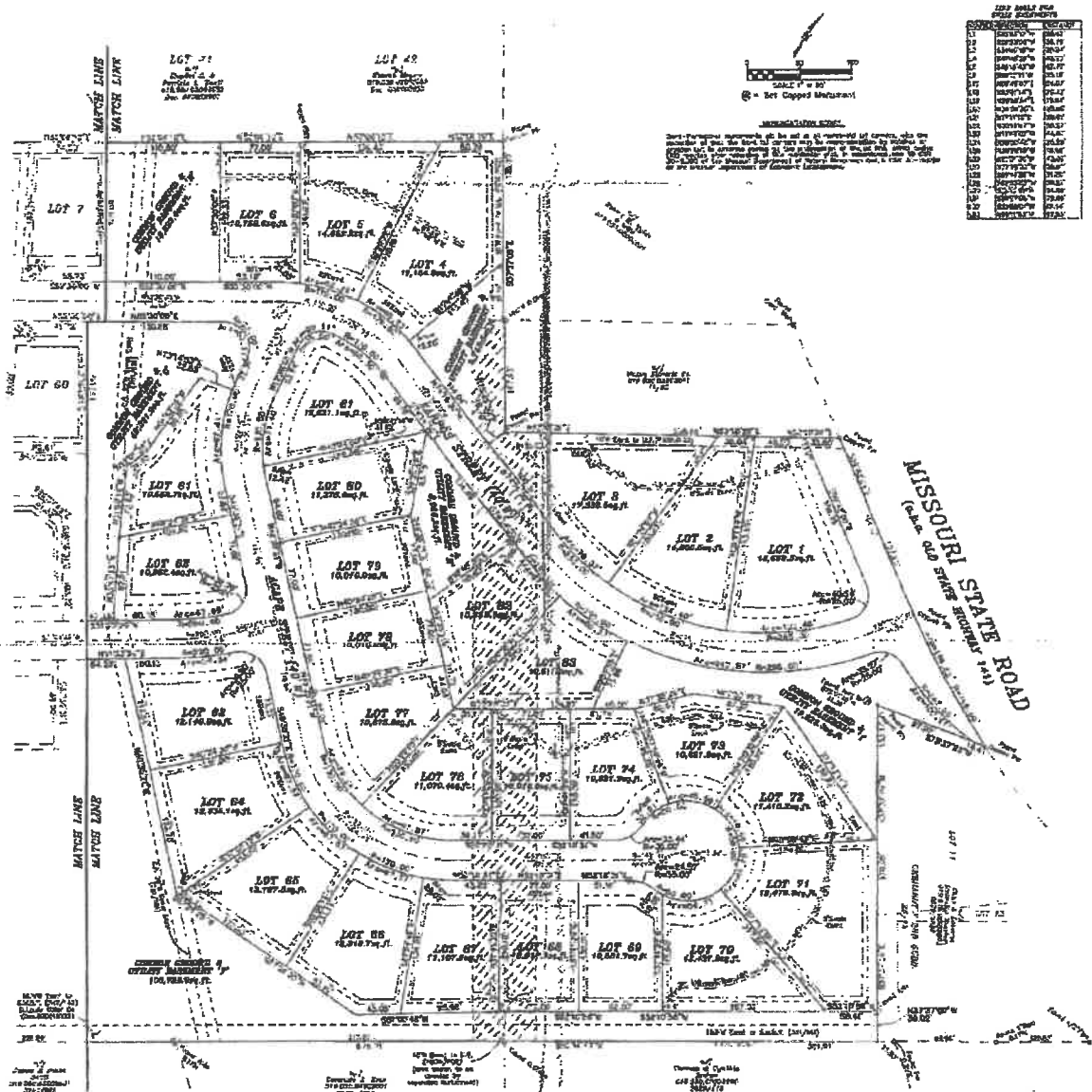
ADDRESS	SIGN TYPE	WORK TO BE DONE
Subdivision Entrance	Speed Limit	one each
Subdivision Entrance	NO OUTLET	one each
Near Entrance	Street Name	one each
Through Subdivision	No Parking	20 each
SANITARY SEWER WORK		
Address / Location	MANHOLE NUMBER	WORK TO BE DONE
1711 Karpos	MH# 113 - Buried <u>0.67'</u>	RTG, Clean Out Bottom Debris
1719 Karpos	MH# 112 - Buried <u>1.0'</u>	RTG, Clean Out Bottom Debris
1723 Karpos	MH# 111 - Buried <u>0.7'</u>	RTG, Clean Out Bottom Debris
Between 1760 - 1766 Karpos	MH# 133 - Buried <u>0.7'</u>	RTG, Clean Out Bottom Debris
Between 1756 - 1760 Karpos	MH# 132	Reset Frame, Clean Out Bottom Debris
Between 1740 - 1744 Karpos	MH# 130 - Buried <u>0.5'</u>	RTG, Clean Out Bottom Debris
Between 1748 - 1752 Karpos	MH# 131	Clean Out Bottom
Between 2001 - 2005 Agape	MH# 109 - Buried <u>0.47'</u>	RTG, Clean Out Bottom Debris
2013 Agape	MH# 108 - Buried under driveway	RTG, Clean Out Bottom Debris
2014 Agape	MH# 102 - Buried <u>0.75'</u>	RTG, Clean Out Bottom Debris
Between 2026 - 2030 Agape	MH# 105	Reset Frame & Grade Ring, Clean Out bottom Debris
Between 2045 - 2046 Agape	MH# 107 - Buried <u>1.9'</u>	RTG, Clean Out Bottom Debris
Behind 2008 Agape	MH# 3 - By Sidewalk	Reset Frame, Clean Out Bottom Debris
100 Pistis	MH# 116 - Buried <u>0.67'</u>	RTG, Clean Out Bottom Debris
Between 1818 - 1824 Chara	MH# 117 - Buried <u>0.5'</u>	RTG, Clean Out Bottom Debris
Between 1849 - 1845 Chara	MH# 120 - Buried <u>0.67'</u>	RTG, Clean Out Bottom Debris
108 Pistis	MH# 121 - Buried <u>0.75'</u>	RTG, Clean Out Bottom Debris
116 Pistis	MH# 122 - Buried <u>2.92'</u>	RTG, Clean Out Bottom Debris
Between 120 - 124 Pistis	MH# 122.1 - Buried <u>1.67'</u>	RTG, Clean Out Bottom Debris
Between 141 - 137 Pistis	MH# 124 - Buried <u>0.25'</u>	RTG, Clean Out Bottom Debris
Behind 1837 Chara	MH# 125 - Buried <u>0.83'</u>	RTG, Clean Out Bottom Debris
309 Eirene	MH# 128 - Buried <u>0.75'</u>	RTG, Clean Out Bottom Debris

**MAXVILLE GARDENS SUBDIVISION
STORM WATER WORK**

ADDRESS / LOCATION	STRUCTURE TYPE	WORK TO BE UNDERTAKEN
Across 1705 Karpos	Manhole #60	Add riser to bring to grade (raise 0.5')
1719 Karpos	Curb inlet #64	Clean out silt and gravel
2038 Agape	Area inlet #79	Adjust structure to receive storm flow
Behind 2022 Agape	Manhole #49 Est. buried 1.0'	Structure not found, raise to grade
2045 Agape	Manhole #81 Est. buried 1.83'	Buried, raise to grade or construct new
2038 Agape	Manhole #80 Est. buried 0.42'	Buried, raise to grade or construct new
All Area Inlets & Curb Inlets	AI and CI 32 each	Glue down storm water medallions (Opens to Stream)
2045 Agape	MH# 82	Buried, raise to grade
Behind 2026 Agape	Area inlet#77	Not found, Raise to Grade
Between 2014/2018 Agape	MH#51	Buried 0.33', raise to grade
301 Eirene at Karpos	MH# 19	Buried 1.04', raise to grade
Karpos at Agape	MH# 56	Buried 1.0', raise to grade
Between 1760/1766 Karpos	MH# 43	Buried 0.71', raise to grade
1763 Karpos	MH# 44	Buried 1.42' raise to grade

MAXVILLE GARDENS

A SUBDIVISION OF A TRACT OF LAND BEING PART OF
 LOTS 13 AND 16 OF UNITED STATES SURVEY 2991,
 TOWNSHIP 43 NORTH, RANGES 5 & 6 EAST
 ALSO BEING PART OF VELDA TERRACE SUBDIVISION
 City of Arnold, Jefferson County, Missouri



Lot No.	Area (Sq. Ft.)
1	14,000
2	14,000
3	14,000
4	14,000
5	14,000
6	14,000
7	14,000
8	14,000
9	14,000
10	14,000
11	14,000
12	14,000
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68	14,000
69	14,000
70	14,000
71	14,000
72	14,000
73	14,000
74	14,000
75	14,000
76	14,000
77	14,000
78	14,000
79	14,000
80	14,000
81	14,000

APPROVED FOR THE CITY OF ARNOLD, MISSOURI

[Signature]
 Mayor

[Signature]
 Director of Community Development

NOTICE TO SUBSCRIBERS

The undersigned hereby certifies that the plat of the subdivision of land herein shown is a true and correct copy of the original as recorded in the office of the Jefferson County Recorder, St. Louis, Missouri, in accordance with the provisions of the Act of the Missouri Legislature, approved March 27, 1909, and amended March 27, 1913, and the Act of the Missouri Legislature, approved March 27, 1913, and amended March 27, 1913, and the Act of the Missouri Legislature, approved March 27, 1913, and amended March 27, 1913.

Witness my hand and seal of my office this 21st day of October, 1957.

[Signature]
 City Engineer

RECORD - UP - TAX

[Stamp]

BEFORE ME, the undersigned authority, on this 21st day of October, 1957, personally appeared *[Name]*, known to me to be the person whose name is subscribed to the foregoing plat, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of my office this 21st day of October, 1957.

[Signature]
 Notary Public

EXHIBIT C

MAXVILLE GARDENS LOT 76 A AND LOT 77 A

A BOUNDARY ADJUSTMENT PLAT OF LOT 76 AND LOT 77 OF
 MAXVILLE GARDENS, PLAT BOOK 252, PAGE 10,
 IN U.S. SURVEY 2991, TOWNSHIP 48 NORTH, RANGE 5 AND 6,
 CITY OF ARNOLD, JEFFERSON COUNTY, MISSOURI



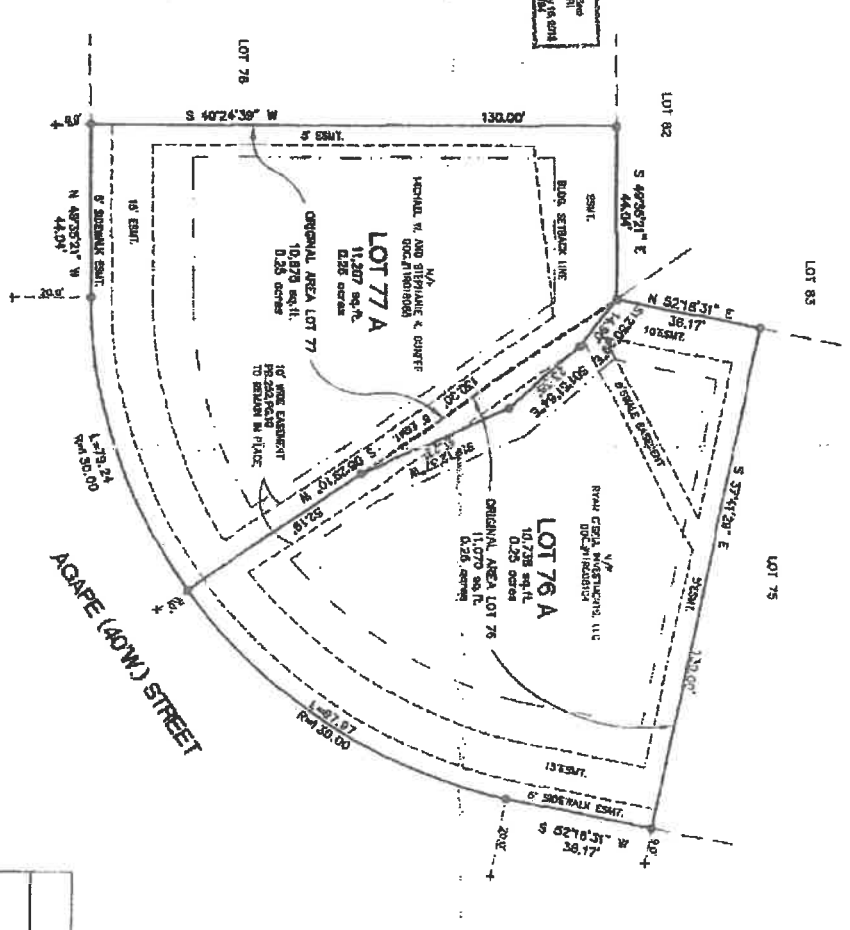
THE UNDERSIGNED ENGINEER HAS EXAMINED THESE PLANS AND HAS
 FOUND THEM TO BE IN ACCORDANCE WITH THE ACTS OF THE
 LEGISLATURE OF THE STATE OF MISSOURI AND THE RULES AND
 REGULATIONS OF THE BOARD OF SURVEYORS OF THE STATE OF
 MISSOURI. I HEREBY CERTIFY THAT THE SAID PLANS
 COMPLY WITH THE ACTS OF THE LEGISLATURE AND THE
 RULES AND REGULATIONS OF THE BOARD OF SURVEYORS.

BY: *[Signature]*
 STATE OF MISSOURI
 COUNTY OF JEFFERSON
 DATE: 5/11/13

BY: *[Signature]*
 STATE OF MISSOURI
 COUNTY OF JEFFERSON
 DATE: 5/11/13

BY: *[Signature]*
 STATE OF MISSOURI
 COUNTY OF JEFFERSON
 DATE: 5/11/13

BY: *[Signature]*
 STATE OF MISSOURI
 COUNTY OF JEFFERSON
 DATE: 5/11/13



BY A DEED OF TRUST, DATED...
 THE UNDERSIGNED ENGINEER HAS EXAMINED THESE PLANS AND HAS
 FOUND THEM TO BE IN ACCORDANCE WITH THE ACTS OF THE
 LEGISLATURE OF THE STATE OF MISSOURI AND THE RULES AND
 REGULATIONS OF THE BOARD OF SURVEYORS OF THE STATE OF
 MISSOURI. I HEREBY CERTIFY THAT THE SAID PLANS
 COMPLY WITH THE ACTS OF THE LEGISLATURE AND THE
 RULES AND REGULATIONS OF THE BOARD OF SURVEYORS.

BY: *[Signature]*
 STATE OF MISSOURI
 COUNTY OF JEFFERSON
 DATE: 5/11/13

BY: *[Signature]*
 STATE OF MISSOURI
 COUNTY OF JEFFERSON
 DATE: 5/11/13

BY: *[Signature]*
 STATE OF MISSOURI
 COUNTY OF JEFFERSON
 DATE: 5/11/13

BY: *[Signature]*
 STATE OF MISSOURI
 COUNTY OF JEFFERSON
 DATE: 5/11/13

BY: *[Signature]*
 STATE OF MISSOURI
 COUNTY OF JEFFERSON
 DATE: 5/11/13

MONUMENT LEGEND:
 ● BOUNDARIES - 2 1/2" DIA. GALVANNEUM IRON PIPE SET IN CONCRETE
 + BOUNDARIES FOUND ON SURVEY OR IN RECORDS
 ○ BOUNDARIES FOUND BY SURVEY OR IN RECORDS (1/2" DIA.)

ADJUSTED LOT 77 A

MAXVILLE GARDENS
 BURDINE AND ASSOCIATES, INC.
 Registered Land Surveyors
 636-282-1600

Checked by: *[Signature]* Date: 5-11-13
 Product No.: 07129
 Sheet No.: 1 of 1

EXHIBIT C

**CITY OF ARNOLD
AGENDA ITEM SUMMARY**

AGENDA ITEM

7-B

NAME OF TOPIC/PROJECT: A resolution authorizing the Mayor to execute a contract with the J M Marschuetz Construction Company to undertake the corrective work in the Maxville subdivision per an NID with the subdivision residents.

SUMMARY EXPLANATION: This resolution authorizes the Mayor to execute a contract with the J M Marschuetz Construction Company to undertake street, sidewalk, storm and sanitary sewer work as part of an NID and bring the subdivision up to City standards as a result of the developer defaulting on those improvements.

RECOMMENDED ACTION: Approval.

Why is this action necessary? The City Council must approve contracts.

What does this action accomplish? Correct contractor infrastructure deficiencies remaining in the subdivision.

Positive impacts and to whom? All the residents of the Maxville subdivision.

Negative impacts and to whom? None.

ADDITIONAL COMMENTS: All work will be done through the NID process where tax assessments will be levied against the home owners to pay the City back for the cost of the work.

SUMMARY OF VENDOR/CONSULTANT/CONTRACTOR

Name: J M Marschuetz Construction Co.

Previous city contracts: Yes

Transaction amount: \$140,231

MBE/WBE Participation: NA

Transaction type: Contract

Comments:

SUMMARY OF SELECTION PROCESS

Number of bidders: Eight

Low bid: \$140,231

High bid: \$319,831

Comments: The J M Marschuetz Construction Company is a qualified contracting firm capable of undertaking this project.

SUMMARY OF BUDGET/COST

Budgeted amount: \$190,000

Addl. funding required: Not at this time

Comments:

RESOLUTION NO: 17-72

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A
CONTRACT WITH THE J. M. MARSCUETZ CONSTRUCTION
COMPANY, INC. TO UNDERTAKE THE NID INFRASTRUCTURE
IMPROVEMENTS PROJECT FOR MAXVILLE GARDENS SUBDIVISION
THROUGH AN NID PROCESS 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 J. M. Marschuetz Construction Company to undertake the NID infrastructure improvements for Maxville Gardens through an NID process 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: _____

ATTACHMENT A
BID PROPOSAL FORM

CITY OF ARNOLD, MISSOURI

MAXVILLE GARDENS SUBDIVISION STREET AND SIDEWALK SLAB
REPLACEMENT AND NEW CONSTRUCTION PROJECT

TO: CITY OF ARNOLD
ARNOLD, MISSOURI

Pursuant to and in compliance with your Request for Bids dated October 6, 2017 and the other documents related thereto, the undersigned hereby proposes to furnish all tools, labor, equipment and any/all material plus perform all work necessary for undertaking the MAXVILLE GARDENS PROJECT as all required by and in strict conformance with the Bid Specifications and addenda No. to inclusive at the unit & lump sum prices listed herein.

UNIT PRICES

- Item No. 1 Breakout, remove, form, and replacement of designated 6" depth street pavement (6 sack mix).
(\$ 47.50) per sq. yd. X 1,317.sq. yds = \$ 62557.50
- Item No. 2 Saw cutting of existing street and sidewalk slabs as necessary for clean section removal.
(\$ 1.65) per lin. ft. X 900 feet = \$ 1485.00
- Item No. 3 Breakout, remove, install dowels, form, and replace vertical curb section (6 sack mix)
(\$ 18.25) per lin. ft. X 4 feet = \$ 73.00
- Item No. 4 Breakout, remove, form, replacement of designated 4" depth sidewalk pavement (6 sack mix).
(\$ 65.00) per sq. yd. X 8.44 sq. yds. = \$ 548.60
- Item No. 5 Excavate, remove earth spoil, form, pour new 4" depth sidewalk pavement (6 sack mix).
(\$ 49.00) per sq. yd. X 660 sq. yds. = \$ 32340.00
- Item No. 6 Limestone Granular Fill – 1" clean crushed rock for slab subgrade areas and sewer work as needed.
(\$ 12.50) per ton X 330 tons = \$ 4125.00

Item No. 7 Across 1705 Karpos – Add riser to structure storm MH #60 to bring manhole to grade.

(\$ 1000.00) x lump sum = \$ 1000.00

Item No. 8 Detention Basin #1 - clean out ditch between storm sewer pipes.

(\$ 3900.00) x lump sum = \$ 3900.00

Item No. 9 2045 Agape - storm Manhole# 82 is buried*. Raise to grade. We estimate structure is buried two (2) feet.

(\$ 1100.00) x lump sum = \$ 1100.00

Item No. 10 Behind 2022 Agape - storm Manhole #49 not found*. Find, excavate, and raise structure to ground surface. We estimate structure is buried one foot.

(\$ 1000.00) x lump sum = \$ 1000.00

Item No. 11 2008 Agape - Curb storm inlet #63 – Failed sidewalk adjacent to curb inlet remove and replace.

(\$ 500.00) x lump sum = \$ 500.00

Item No. 12 2045 Agape - storm Manhole #81. Believe manhole top is buried 1.83 feet* below surface. Locate and raise to grade plus fine grade.

(\$ 1100.00) x lump sum = \$ 1100.00

Item No. 13 2038 Agape Manhole #80. Believe manhole tip is buried 0.42 feet* below surface. Locate raise to grade plus fine grade.

(\$ 500.00) x lump sum = \$ 500.00

Item No. 14 Street sign work:

- a. Install one 20 MPH speed Limit sign 330.50
- b. Install one No Outlet sign 330.50
- c. Install one street Name sign 330.50
- d. Install twenty (20) No Parking Signs 330.50 x 20 = 6610.00

Subtotal for Item No. 14 \$ 7601.50

Item No. 15 1711 Karpos - Manhole#113 sanitary is buried 0.67 feet* deep. Raise to Grade and clean out debris in manhole bottom.

(\$ 500.00) x lump sum = \$ 500.00

TOTAL BID Items No. 1 thru No. 41 = \$ 140,230.60

*Applies to all buried existing storm or sanitary sewer manhole structures. The listed bid item provides for an estimated manhole buried depth. The following requested unit prices are for varying depths that may be encountered. All lump sum bid prices shall be complete to provide all labor, equipment, St. Louis MSD approved materials and construction methods, yard restoration and all other necessary work to raise the manhole structure to finish grade with allowance to depth of structure greater than the listed bid item depth or square yards of pavement removal.

Unit prices for manhole / inlet buried depth (Raise to Grade)

- | | | |
|--|------------------|------|
| a. Two to Three feet in depth | \$ <u>400.00</u> | /ft. |
| b. Over three feet to four feet in depth | \$ <u>600.00</u> | /ft. |
| c. Over four feet in depth | \$ <u>800.00</u> | /ft. |

Bid Alternate Unit Prices

1. MSD Class A rock excavation \$ 150.00 / cubic yard.
2. MSD Class B rock excavation \$ 150.00 / cubic yard.
3. New MSD manhole / inlet construction all complete:
 - Four to six feet depth \$ 300.00 /ft.
 - Greater that six feet to eight feet depth \$ 350.00 /ft.
 - Greater than eight feet to twelve feet depth. \$ 400.00 /ft.
 - Greater than twelve feet in depth \$ 500.00 /ft.
4. Hand excavation for yard sprinklers and irrigation systems as authorized by the City. (\$ 100.00) per lin. ft.
5. Concrete Driveway Pavement Replacement Unit price:
Sawcut, breakout, remove, and pour back to match as close as possible existing driveway pavement for manhole raise to grade. Pavement depth to match existing depth no less than 4 inch depth and no greater than 6 inch depth. (\$ 65.00) per square yard.
6. Should a pavement lug be encountered, provide a lump sum price to sawcut, chip, hammer, breakout the lug to a depth to allow the new street slab to pour over it. Reuse reinforcing steel wherever encountered. Lump sum price should include all labor, equipment and material.

(\$ 2,500.00) x lump sum = \$ 2500.00

J.M. Marschuetz Construction Co

Project References

<i>Project Name</i>	<i>Project Location</i>	<i>Project Description</i>	<i>Project Amount</i>	<i>Project Contact</i>
City of Manchester Selective Slab Replacement	City of Manchester	Remove and Replace Selective Slabs all over City limits	\$800,000.00	Bob Ruck 636-227-1385
St. Charles County Selective Slab Replacement	St. Charles County	Remove and Replace Selective Slabs all over City limits	\$600,000.00	Nathan Tomala 636-949-7500
City of Bridgeton Slab Replacement	City of Bridgeton	Remove and Replace Selective Slabs all over City limits	\$750,000.00	Brian Peterson 314-739-7500
City of Maryland Heights Selective Slab Replacement	City of Maryland Heights	Remove and Replace Selective Slabs all over City limits	\$900,000.00	Cliff Baber 314-291-6550
City of Lake St. Louis Concrete Panel Replacement Program	City of Lake St. Louis	Remove and Replace Selective Slabs over City Limits	\$850,000.00	Terry Rigdon 636-695-4221
***Many more can be provided upon request. We have been doing this type of work for over 25 years.				



AIA Document A310™ – 2010

Bid Bond

CONTRACTOR:

(Name, legal status and address)
J.M. Marschuetz Construction Co.

15 Truitt Drive
Eureka, MO 63025

OWNER:

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

BOND AMOUNT: * TEN PERCENT OF AMOUNT BID *****

SURETY:

(Name, legal status and principal place of business)

Fidelity and Deposit Company of Maryland
1299 Zurich Way, 5th Floor
Schaumburg, IL 60196

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.

PROJECT:

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

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 **31st** day of **October** **2017**

J.M. Marschuetz Construction Co.

Uicky M. Marschuetz
(Witness)

Joseph W. Hall
(Principal) Vice President (Seal)

(Title)
Fidelity and Deposit Company of Maryland
(Surety) (Seal)

Jacquie Sheldon
(Witness)

(Title)
Thomas O. Chambers, Attorney-In-Fact

**ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND
POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Maryland, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Maryland (herein collectively called the "Companies"), by **MICHAEL BOND, Vice President**, in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and appoint **Thomas O. CHAMBERS and Todd SCHAAP, both of Franksville, Wisconsin, EACH** its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: **any and all bonds and undertakings**, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York., the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland., and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland., in their own proper persons.

The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President has hereunto subscribed his/her names and affixed the Corporate Seals of the said **ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND**, this 12th day of July, A.D. 2017.

ATTEST:

**ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND**



By:

Dawn E. Brown

*Assistant Secretary
Dawn E. Brown*

Michael Bond

*Vice President
Michael Bond*

State of Maryland
County of Baltimore

On this 12th day of July, A.D. 2017, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, **MICHAEL BOND, Vice President, and DAWN E. BROWN, Assistant Secretary**, of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, depose and saith, that he/she is the said officer of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signature as such officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.

Constance A. Dunn



Constance A. Dunn, Notary Public
My Commission Expires: July 9, 2019

STATE OF WISCONSIN)

COUNTY OF Kenosha)

ON THIS 31st day of October, 2017,

before me, a notary public, within and for said County and State, personally appeared Thomas O. Chambers to me personally known, who being duly sworn, upon oath did say that he is the Attorney-in-Fact of and for the Fidelity and Deposit Company of Maryland, a corporation of Maryland, created, organized and existing under and by virtue of the laws of the State of Maryland; that the corporate seal affixed to the foregoing within instrument is the seal of the said Company; that the seal was affixed and the said instrument was executed by authority of its Board of Directors; and the said Thomas O. Chambers did acknowledge that he/she executed the said instrument as the free act and deed of said Company.

Kimberly S. Rasch
Kimberly S. Rasch
Notary Public, Kenosha County, Wisconsin
My Commission Expires 12/2/2018

