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**City Council Meeting  
Council Chamber**

**December 15, 2022  
7:00 P.M.**

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**Zoom Link – Internet Audio/Video:**

<https://us02web.zoom.us/j/84034992527?pwd=QlkvNDYdzJUVWhzVnFveHFHTIB3dz09>

**Dial-in Number: 312 626 6799**

**Meeting ID: 840 3499 2527**

**Passcode: 084802**

## **AGENDA**

1. Pledge of Allegiance and Opening Prayer
2. Roll Call
3. Business from the Floor
4. Consent Agenda
  - A. Regular Council Meeting Minutes from **December 1, 2022**
  - B. Payroll Warrant **#T00339 In the Amount of \$357,859.76**
  - C. General Warrant **#5824 In the Amount of \$303,642.20**
5. Ordinances:
  - A. **Bill #2844** An Ordinance Providing for the Establishment of Article XVIII (Offenses Concerning Camping and Storage of Personal Property) of Chapter 215 (Offenses) of the Arnold Code Ordinances.
  - B. **Bill #2845** An Ordinance Imposing A Sales Tax of One Percent (1%) of the Receipts from the Sale at Retail Within the City of Arnold, Missouri, Subject to the approval by the voters of the city and Calling for Submission to the Voters of Arnold, Missouri, at an Election to be Held on April 4, 2023, A Proposition Authorizing the City Council of Arnold to Impose an Additional Sales Tax of One Percent (1%) for the Purpose of Improving Public Safety.

6. Resolutions:

- A. **Resolution #22-64** A Resolution Approving A Modification of the Transportation Project Description, as Contained in the Petition for the Creation of the Arnold Retail Corridor Transportation Development District, to Conform with the Description of the Transportation Project as Previously Approved by the District Voters.

7. Motions:

- A. A Motion to Approve Liquor License Applications
- B. A Motion to Hold a Closed Session Immediately Following the City Council Meeting for Discussing a Negotiated Contract Pursuant to RSMo Section 610.021 (12).

8. Reports from Mayor and Council

9. Administrative Reports

10. Adjournment

Upon request, reasonable accommodations will be provided. Contact Tammi Casey, City Clerk, Arnold City Hall, 2101 Jeffco Boulevard, Arnold, Missouri 63010. Phone: 636-296-2100

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

The council meeting was also presented live via Zoom Video Conferencing.

The pledge of allegiance was recited. Councilman Gary Plunk offered the prayer.

### **ROLL CALL**

Those present per roll call taken by City Clerk Tammi Casey: Mayor Counts, Fulbright, Hood, Plunk, Mullins, Cooley, Fleischmann (excused), McArthur, Seidenstricker, Richison, Bookless, Lehmann (via Zoom), Sweeney, Crutchley, Wagner, Kroupa and Chief Carroll.

### **BUSINESS FROM THE FLOOR**

NONE

### **CONSENT AGENDA**

- A. REGULAR COUNCIL MEETING MINUTES FROM NOVEMBER 17, 2022**
- B. PAYROLL WARRANT #T00336 IN THE AMOUNT OF \$357,043.03**
- C. GENERAL WARRANT #5823 IN THE AMOUNT OF \$290,413.29**

**Butch Cooley made a motion and so moved to approve the consent agenda. Seconded by Gary Plunk. Roll call vote: Fulbright, yes; Hood, yes; Plunk, yes; Mullins, yes; Cooley, yes; Fleischmann (excused); McArthur, yes; Seidenstricker, yes; 7 Yeas: Motion carried.**

### **ORDINANCES**

**BILL NO 2843 – AN ORDINANCE AMENDING SECTION 500.020, (CLARIFICATIONS APPLICABLE TO ALL ADOPTED TECHNICAL CODES) OF THE CITY OF ARNOLD CODE OF ORDINANCES TO CLARIFY THE DUTIES AND RESPONSIBILITIES OF CONTRACTORS PERFORMING WORK IN THE CITY** was read twice by City Clerk Tammi Casey. Roll call vote: Fulbright, yes; Hood, yes; Plunk, yes; Mullins, yes; Cooley, yes; Fleischmann (excused); McArthur, yes; Seidenstricker, yes; 7 Yeas: **Ordinance passed.**

### **RESOLUTIONS**

**RESOLUTION NO 22-61– A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH HURST-ROSCHÉ INC. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR LITTLE MUDDY CREEK WATERSHED**

**Gary Plunk made a motion and so moved to pass Resolution No 22-61. Seconded by Butch Cooley. Roll call vote: Fulbright, yes; Hood, yes; Plunk, yes; Mullins, yes; Cooley, yes; Fleischmann (excused); McArthur, yes; Seidenstricker, yes; 7 Yeas: Resolution passed.**

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Regular Meeting  
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**RESOLUTION NO 22-62 – A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CI FLOORING LLC**

**Tim Seidenstricker made a motion and so moved to approve Resolution No 22-62.** Seconded by Brian McArthur. Roll call vote: Fulbright, yes; Hood, yes; Plunk, yes; Mullins, yes; Cooley, yes; Fleischmann (excused); McArthur, yes; Seidenstricker, yes; 7 Yeas: **Resolution Passed.**

**RESOLUTION NO 22-63 – A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH SHAY ROOFING INC**

**Rodney Mullins made a motion and so moved to approve Resolution No 22-63.** Seconded by Brian McArthur. Roll call vote: Fulbright, yes; Hood, yes; Plunk, yes; Mullins, yes; Cooley, yes; Fleischmann (excused); McArthur, yes; Seidenstricker, yes; 7 Yeas: **Resolution Passed.**

**MOTIONS**

**A. A MOTION TO APPROVE LIQUOR LICENSE APPLICATIONS**

Tammi Casey informed council that the Liquor Committee met earlier this evening and reviewed the Retail By The Drink and Sunday By The Drink license application made by the new owner of The Local House. This will be a provisional license until all paperwork is submitted, as he has yet to finalized his lease, which is a requirement of the application. The committee is forwarding a recommendation of approval by unanimous vote.

**Butch Cooley made a motion and so moved to approve the liquor license application for The Local House.** Seconded by Rodney Mullins. Roll call vote: Fulbright, yes; Hood, yes; Plunk, yes; Mullins, yes; Cooley, yes; Fleischmann (excused); McArthur, yes; Seidenstricker, yes; 7 Yeas: **Motion Carried.**

**REPORTS FROM MAYOR AND COUNCIL**

Butch Cooley, Ward 4 – Stated the renovations to City Hall look beautiful.

Mark Hood, Ward 3 – Informed everyone that demo work at the Arnold Bowling Alley is around 50% complete.

Tim Seidenstricker, Ward 2 – Informed everyone that the Christmas Farmers Market will be held Saturday, December 10<sup>th</sup>.

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Regular Meeting  
December 01, 2022

### **ADMINISTRATIVE REPORTS**

Bryan Richison – Encouraged council members to attend the employee Christmas luncheon which will be held December 16<sup>th</sup> at the Rec Center.

Tammi Casey – Stated that next Tuesday, December 6<sup>th</sup> is opening day of candidate filing for the April 4, 2023 General Election.


Chief Carroll – Stated, that while our officer who fought in the Guns N’ Hoses battle lost his match, he did complete all three rounds. It was a great event that raised a lot of money for Back Stoppers! Chief Carroll also has been informed that Lowes in Arnold Commons is purchasing two FLOCK cameras for use in their parking lot.

Dave Crutchley – Stated the Gobble Gobble Run was a big success and the City has collected over 10,000 cans of food for the “Feed The Masses” event. Also, a big thank you to Arnold Sav-A-Lot, who held a can drive at their location to help with the event.

A motion to adjourn the meeting was made by Butch Cooley. Seconded by Tim Seidenstricker.

Voice vote: All Yeas.

Meeting adjourned at 7:26 p.m.

  
\_\_\_\_\_  
City Clerk Tammi Casey, CMC/MRCC-S

**CITY OF ARNOLD, MISSOURI**

**ROLL CALL**

**MEETING:** COUNCIL MEETING

**DATE:** 12/1/2022

**PAGE:** 1

**BILL NO - RESOLUTION - MOTION**

		ROLL CALL	CONSENT AGENDA	BILL NO 2843	RESOLUTION NO 22-61	RESOLUTION NO 22-62	RESOLUTION NO 22-63
<b>COUNCIL MEMBERS:</b>							
<b>MAYOR</b>	<b>RON COUNTS</b>	PRESENT					
<b>COUNCIL:</b>	<b>JASON FULBRIGHT</b>	PRESENT	YES	YES	YES	YES	YES
<b>COUNCIL:</b>	<b>MARK HOOD</b>	PRESENT	YES	YES	YES	YES	YES
<b>COUNCIL:</b>	<b>GARY PLUNK</b>	PRESENT	YES	YES	YES	YES	YES
<b>COUNCIL:</b>	<b>RODNEY MULLINS</b>	PRESENT	YES	YES	YES	YES	YES
<b>COUNCIL:</b>	<b>BUTCH COOLEY</b>	PRESENT	YES	YES	YES	YES	YES
<b>COUNCIL:</b>	<b>EJ FLEISCHMANN</b>	EXCUSED	EXCUSED	EXCUSED	EXCUSED	EXCUSED	EXCUSED
<b>COUNCIL:</b>	<b>BRIAN MCARTHUR</b>	PRESENT	YES	YES	YES	YES	YES
<b>COUNCIL:</b>	<b>TIM SEIDENSTRICKER</b>	PRESENT	YES	YES	YES	YES	YES
<b>CITY ADMINISTRATOR</b>	<b>BRYAN RICHISON</b>	PRESENT	<b>PARKS DIR:</b>	<b>DAVE CRUTCHLEY</b>			PRESENT
<b>CITY CLERK</b>	<b>TAMMI CASEY</b>	PRESENT	<b>PUBLIC WORKS:</b>	<b>JUDY WAGNER</b>			PRESENT
<b>COM DEV</b>	<b>DAVID BOOKLESS</b>	PRESENT	<b>TREASURER:</b>	<b>DAN KROUPA</b>			PRESENT
<b>FINANCE DIRECTOR</b>	<b>BILL LEHMANN</b>	VIA ZOOM	<b>POLICE DEPT.</b>	<b>CHIEF CARROLL</b>			PRESENT
<b>CITY ATTORNEY</b>	<b>BOB SWEENEY</b>	PRESENT					

**CITY OF ARNOLD, MISSOURI**

**ROLL CALL**

MEETING: COUNCIL MEETING

DATE: 12/1/2022

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**BILL NO - RESOLUTION - MOTION**

**COUNCIL MEMBERS:**

**MAYOR**            RON COUNTS

**COUNCIL:**        JASON FULBRIGHT

**COUNCIL:**        MARK HOOD

**COUNCIL:**        GARY PLUNK

**COUNCIL:**        RODNEY MULLINS

**COUNCIL:**        BUTCH COOLEY

**COUNCIL:**        EJ FLEISCHMANN

**COUNCIL:**        BRIAN MCARTHUR

**COUNCIL:**        TIM SEIDENSTRICKER

**CITY ADMINISTRATOR**        BRYAN RICHISON

**CITY CLERK**                      TAMMI CASEY

**COM DEV**                         DAVID BOOKLESS

**FINANCE DIRECTOR**            BILL LEHMANN

**CITY ATTORNEY**                BOB SWEENEY

		MOTION TO APPROVE LIQUOR LICENSE FOR THE LOCAL HOUSE	BILL NO - RESOLUTION - MOTION			
<b>COUNCIL MEMBERS:</b>						
<b>MAYOR</b> <u>RON COUNTS</u>						
<b>COUNCIL:</b>	<u>JASON FULBRIGHT</u>	YES				
<b>COUNCIL:</b>	<u>MARK HOOD</u>	YES				
<b>COUNCIL:</b>	<u>GARY PLUNK</u>	YES				
<b>COUNCIL:</b>	<u>RODNEY MULLINS</u>	YES				
<b>COUNCIL:</b>	<u>BUTCH COOLEY</u>	YES				
<b>COUNCIL:</b>	<u>EJ FLEISCHMANN</u>	EXCUSE				
<b>COUNCIL:</b>	<u>BRIAN MCARTHUR</u>	YES				
<b>COUNCIL:</b>	<u>TIM SEIDENSTRICKER</u>	YES				
<b>CITY ADMINISTRATOR</b>	<u>BRYAN RICHISON</u>		<b>PARKS DIR:</b>	<u>DAVE CRUTCHLEY</u>		
<b>CITY CLERK</b>	<u>TAMMI CASEY</u>		<b>PUBLIC WORKS:</b>	<u>JUDY WAGNER</u>		
<b>COM DEV</b>	<u>DAVID BOOKLESS</u>		<b>TREASURER:</b>	<u>DAN KROUPA</u>		
<b>FINANCE DIRECTOR</b>	<u>BILL LEHMANN</u>		<b>POLICE DEPT.</b>	<u>CHIEF CARROLL</u>		
<b>CITY ATTORNEY</b>	<u>BOB SWEENEY</u>					

**AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF ARTICLE XVIII  
(OFFENSES CONCERNING CAMPING AND STORAGE OF PERSONAL PROPERTY)  
OF CHAPTER 215 (OFFENSES) OF THE ARNOLD CODE ORDINANCES.**

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Be it ordained by the Council of the City of Arnold, Missouri as follows:

**SECTION 1:** Article XVIII (Offenses Concerning Camping and Storage of Personal Property) of Chapter 215 (Offenses) of the City of Arnold Code of Ordinances, is hereby established, so as to read in its entirety as follows:

**“Article XVIII Offenses Concerning Camping and Storage of Personal Property**

**Section 215.2700 Purpose.**

**Section 215.2710 Definitions.**

**Section 215.2720 Unlawful camping.**

**Section 215.2730 Storage of personal property on public and private property.**

**Section 215.2740 Violations.**

**Section 215.2750 - 215.2790 *Reserved.***

**Section 215.2700 Purpose.**

The streets and public property within the City should be readily accessible and available to residents and the public at large. The use of these areas for camping purposes or storage of personal property interferes with the rights of others to use the areas for which they were intended. Camping on private property without the consent of the owner, without proper sanitary measures, and for other than a minimal duration affects private property rights as well as public health and safety. The purpose of this article is to maintain streets, parks, and other public and private areas within the City in a clean and accessible condition and to adequately protect the health, safety, and welfare of the community, while recognizing that, subject to reasonable conditions, camping associated with special events can be beneficial to the City’s cultural and educational climate.

**Section 215.2710 Definitions.**

Unless the particular provisions or the context otherwise requires, the definitions contained in this section shall govern the construction, meaning and application of words and phrases used in this article.

**CAMP**

Camp shall mean to pitch, maintain, or occupy camp facilities, or to use camp paraphernalia, in such a way as to reasonably appear, in light of all circumstances, that a person(s) is using the area occupied as a living



accommodation, regardless of his or her intent or the nature of any other activities in which he or she might also be engaging.

**CAMP FACILITIES**

Camp facilities shall mean to include, but are not limited to, tents, huts or temporary shelters.

**CAMP PARAPHERNALIA**

Camp paraphernalia shall mean to include, but is not limited to, tarpaulins, cots, beds, sleeping bags, hammocks or non-city designated cooking facilities and similar equipment.

**PARK**

Park shall be as defined in Chapter 230 of this Code.

**STORE**

Store shall mean to mean to put aside or accumulate for use when needed, to put for safekeeping, to place of leave in a location.

**STREET**

Street shall be as defined in Section 405.030 of this Chapter.

**PUBLIC PROPERTY**

Public property shall mean all public property including, but not limited to, streets, sidewalks, alleys, parks, plazas, waterways, parking lots, and improved or unimproved land.

**Section 215.2720 Unlawful camping.**

It shall be unlawful for any person to camp in the following areas, except as otherwise provided:

- A. Any public property.
- B. Any private property.
  - 1. This Section does not prohibit maintenance of camping equipment or overnight camping on private residential property by the property owner or lawful occupant of the dwelling located upon the property; or by friends or family of property owner or lawful occupant, so long as the property owner or lawful occupant consents and the overnight camping is limited to not more than two (2) consecutive nights and a maximum of two (2) times per any thirty (30) day period.
  - 2. The City may issue a temporary permit to allow camping on public or private property in connection with certain temporary events, as provided in Section 405.050(C)(1), Chapter 230, and Section 215.2230.

**Section 215.2730 Storage of personal property on public and private property.**

It shall be unlawful for any person to store personal property, including camp facilities and camp paraphernalia, in the following areas, except as otherwise provided:

- A. Any public property.
- B. Any private property without the consent of the property owner.

**Section 215.2740 Violations.**

Violation of this Article shall be subject to punishment as provided in Chapter 100 of the Arnold Code of Ordinances.

**Section 215.2750 - 215.2790 Reserved.”**

**SECTION 2:** Nothing in this Ordinance, nor the adoption thereof, shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing, before the effective date of this Ordinance. Nor shall any prosecution, proceeding, right, fine, or penalty instituted, created, given, secured or accrued under the Arnold Code of Ordinances, be affected, released, or discharged by the adoption of this ordinance, unless expressly provided otherwise or required by law.

**SECTION 3:** If any part of this Ordinance is found to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction, such invalidity shall not affect the validity or effectiveness of the remaining provisions of this Ordinance or any part thereof and said Ordinance shall be read as if said invalid provision was struck therefrom and the context thereof changed accordingly with the remainder of the Ordinance to be and remain in full force and effect.

**SECTION 4:** All ordinances, resolutions or orders, or parts thereof, which conflict with the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed.

**SECTION 5:** This ordinance shall be in full force and effect from and after its passage and approval.

*[Signatures on following page]*

**READ TWO TIMES, PASSED AND APPROVED ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2022.**

\_\_\_\_\_  
Presiding Officer of the Council

\_\_\_\_\_  
Mayor Ron Counts

**ATTEST:**

\_\_\_\_\_  
City Clerk Tammi Casey

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney Robert Sweeney

Z:\CITYDOCS\ORDINANC\2022\2844 Ordinance Offenses Camping & Storage (Public Health, Safety and Welfare).docx  
December 7, 2022

BILL NO. 2845

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE IMPOSING A SALES TAX OF ONE PERCENT (1%) OF THE RECEIPTS FROM THE SALE AT RETAIL WITHIN THE CITY OF ARNOLD, MISSOURI, SUBJECT TO THE APPROVAL BY THE VOTERS OF THE CITY AND CALLING FOR SUBMISSION TO THE VOTERS OF ARNOLD, MISSOURI, AT AN ELECTION TO BE HELD ON APRIL 4, 2023, A PROPOSITION AUTHORIZING THE CITY COUNCIL OF ARNOLD TO IMPOSE AN ADDITIONAL SALES TAX OF ONE PERCENT (1%) FOR THE PURPOSE OF IMPROVING PUBLIC SAFETY.

WHEREAS, the City of Arnold, Missouri (the "City") is a third-class city and political subdivision duly organized and validly existing under the Constitution and laws of the State of Missouri; and

WHEREAS, pursuant to the provisions of § 94.510, MO. REV. STAT., the City is authorized by the State of Missouri to propose, by ordinance, a sales tax on all retail sales made in the City which is subject to taxation under Chapter 144 for the purpose of improving the public safety for the City, including, but not limited to, expenditures on equipment, city employee salaries and benefits, and facilities for police, fire and emergency medical providers. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law; and

WHEREAS, the City desires to avail itself of such authority; and

WHEREAS, under the provisions of § 94.510, MO. REV. STAT., no proposal shall be effective until it has been submitted to the qualified voters of the City of Arnold, Missouri, and approved by a majority of the qualified voters voting thereon. The City desires to submit the question of the imposition of an additional citywide sales tax for public safety to the voters of the City of Arnold, as provided by law.

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

Section 1. Pursuant to the authority granted by and subject to the provisions of §94.510, MO. REV. STAT., an additional one percent (1%) local sales tax is hereby imposed upon all retail sales made in the City of Arnold, Missouri, which are subject to taxation under the provisions of §§ 144.010 to 144.525, MO. REV. STAT., and the rules and regulations of the Director of Revenue issued thereto. Said local sales tax shall be until repealed by appropriate vote of the voters of the City of Arnold, Missouri, and shall be used for the purpose of funding public safety, and shall be in addition to any and all other sales taxes allowed by law.

Section 2. An election is hereby called for submitting to the voters of Arnold a proposal authorizing the City Council of the City of Arnold, Missouri, to impose and extend an additional one percent (1%) local sales tax on all retail sales made in the City for the purpose of funding public safety. Such proposal shall be submitted to the voters at the

election to be held on April 4, 2023. This local sales tax shall be effective if a majority of the votes cast by the qualified voters voting thereon are in favor of the proposal.

Section 3. Upon passage of this ordinance the City Clerk of the City of Arnold, Missouri, be, and hereby is authorized and directed to notify the County Clerk of Jefferson County, Missouri, of its duty to hold such election, and to include in said notification all of the terms and provisions required by Chapter 115, MO. REV. STAT., as updated and amended. The County Clerk of Jefferson County, Missouri, shall be the election authority of the City to submit the question to the voters of Arnold as herein provided and to give the public notice thereof as provided by law. The City Clerk shall deliver to the County Clerk of Jefferson County, Missouri, a certified copy of this ordinance which shall be the authority for said Board to conduct said election as hereinabove provided and as provided by law.

Section 4. There shall be submitted to the voters of the City of Arnold, Missouri at an Election to be held for and in behalf of the City of Arnold, Missouri on April 4, 2023, to present the following question:

**PROPOSITION PUBLIC SAFETY**

**Shall the City of Arnold, Missouri reduce its property tax by fifty-percent (50%) from its current rate and impose an additional citywide sales tax of one percent (1%) for the purpose of funding law enforcement and improving the public safety of the City of Arnold?**

\_\_\_\_\_ Yes

\_\_\_\_\_ No

Section 5. The said municipal public election shall be held in accordance with the laws of the State of Missouri and Ordinances of the City of Arnold, Missouri, and such election shall be conducted by the County Clerk of Jefferson County. Said election shall be held, the results thereof canvassed and notice thereof given in conformity with the Constitution and laws of the State of Missouri.

Section 6. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal submitted pursuant to this section, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second calendar quarter after the director of revenue receives notification of adoption of the local sales tax.

Section 7. All revenue received by the City from the tax authorized under the provisions § 94.510, MO. REV. STAT., shall be deposited in a special trust fund and shall be used for improving the public safety for the City.

Section 8. The Director of Revenue shall perform all functions incident to the administration, collection, enforcement and operation of the local sales tax in the same manner as provided in §§ 94.500 to 94.570, MO. REV. STAT., and the Director of

Revenue shall collect, in addition to the sales tax for the State of Missouri, this additional local sales tax less one percent for cost of collection. This local sales tax and the sales tax imposed under the sales tax law of the State of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the Director of Revenue.

Section 9. The Director of Revenue may authorize the State Treasurer to make refunds from the amounts in the trust fund and credit the same to the City of Arnold for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of the City. If the City abolishes the local sales tax, it shall notify the Director of Revenue of the action at least ninety days prior to the effective date of the repeal and the Director of Revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the local sales tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the local sales tax in the City, the Director of Revenue shall remit the balance in the account to the City and close the account of the City. The Director of Revenue shall notify the City of each instance of any amount refunded or any check redeemed from receipts due the City.

Section 10. Within ten (10) days after approval of such ballot proposition, the City Clerk shall forward to the Director of Revenue of the State of Missouri, by United States Registered Mail or Certified Mail, a certified copy of this ordinance, along with a map of the City of Arnold, clearly showing the boundaries thereof.

Section 11. The additional sales tax referenced in this ordinance shall, if approved by a majority of the qualified voters voting thereon, become effective on October 1, 2023.

Section 12. Severability. The sections, paragraphs, sentences, clauses and phrases of this ordinance shall be severable. In the event that any such section, paragraph, sentence, clause or phrase of this ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this ordinance are valid, unless the court finds the valid portions of this ordinance are so essential to and inseparably connected with and dependent upon the void portion that it cannot be presumed that the City has enacted the valid portions without the void ones, or unless the court finds that the valid portions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 13. Governing Law. This ordinance shall be governed exclusively by and construed in accordance with the applicable laws of the State of Missouri.

Section 14. Effective Date. This ordinance shall be in full force and effect, after compliance with all governing laws, rules, and regulations, upon passage by the City Council and approval by the Mayor.

READ TWO TIMES, PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

\_\_\_\_\_  
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

**RESOLUTION NO. 22-64**

**A RESOLUTION APPROVING A MODIFICATION OF THE TRANSPORTATION PROJECT DESCRIPTION, AS CONTAINED IN THE PETITION FOR THE CREATION OF THE ARNOLD RETAIL CORRIDOR TRANSPORTATION DEVELOPMENT DISTRICT, TO CONFORM WITH THE DESCRIPTION OF THE TRANSPORTATION PROJECT AS PREVIOUSLY APPROVED BY THE DISTRICT VOTERS.**

**WHEREAS**, on September 25, 2007, pursuant to Section 238.216 of the Missouri Transportation Development District Act, Sections 238.200 to 238.280 of the Revised Statutes of Missouri, as amended (the “Act”), the City of Arnold, Missouri (the “City”), and the Arnold Triangle Transportation Development District filed a joint Petition for the Creation of a Transportation Development District (the “Petition”) with the Circuit Court of Jefferson County to form the Arnold Retail Corridor Transportation Development District (the “District”); and

**WHEREAS**, on March 11, 2008, more than a simple majority of the qualified voters of the District voted in favor of the creation of the District, the development of certain transportation-related improvements (the “Transportation Project”) and the imposition of a sales tax to finance the costs of the Transportation Project; and

**WHEREAS**, the description of the Transportation Project approved by the qualified voters of the District was slightly different than the description contained in the Petition (as shown in Exhibit A); and

**WHEREAS**, Section 238.257(4) of the Act provides that the board of directors of any transportation development district “may modify the project previously approved by the district voters, if the modification is approved by the commission and, where appropriate, a local transportation authority; and

**WHEREAS**, the City Council finds and determines that the modification of the Transportation Project description as set forth in the Petition to conform to the description approved by the voters of the District is appropriate to reflect the intent of the District voters and is in the best interest of the residents and businesses within the City.

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

**Section 1.** The City Council hereby approves the modification of the description of the Transportation Project as set forth in the Petition to conform to the description approved by the qualified voters of the District as shown in Exhibit A.

**Section 2.** Gilmore & Bell, P.C., and Robert Sweeney, Esq., are hereby authorized and directed to take such steps as are necessary or desirable to carry out and comply with the intent of this Resolution.



**Section 3.** This Resolution shall be in full force and effect after its passage and approval.

\_\_\_\_\_  
Presiding Officer of the City Council

\_\_\_\_\_  
Mayor Ron Counts

ATTEST:

\_\_\_\_\_  
City Clerk Tammi Casey

Date: \_\_\_\_\_

## EXHIBIT A

### DESCRIPTION OF THE TRANSPORTATION PROJECT<sup>1</sup>

The Transportation Project consists of the design and construction of the following road improvements in and adjacent to the District: (1) a new connection road between Highway 141 and Michigan, (2) relocation of Church Road, (3) a new intersection at Church Road, Missouri State Road and Old Lemay Ferry Road, (4) a new intersection at Church Road and Big Bill Road, (5) acceleration and de-acceleration lanes along the south side of Highway 141, (6) relocation of Big Bill Road, (7) landscaping and beautification of the intersection at Highway 141 and Interstate 55 and (8) improvements to Jeffco Boulevard, Highway 141 and other publicly accessible roadways, parking facilities and transportation-related improvements ~~within~~ benefitting the District.

The Transportation Project shall also include: (1) the costs associated with the operation and maintenance of the Transportation Project; (2) costs of right-of-way and other land acquisition, settlement and transfer, including relocation costs, taxes, surveys and other professional fees; (3) costs for demolition, earth work, erosion control, including paving, sanitary sewers, storm drainage, water systems and retention basins, provisions for the construction and/or relocation of utilities, including electric, gas, telephone, fiber optic cable, as well as landscaping, street lighting and environmental engineering and abatement; (4) costs for replacement of existing roadway surfaces, curbs and gutters, replacement or installation of sidewalks, traffic/pedestrian signalization, signage, street lighting and landscaping; (5) costs for legal and engineer's fees, construction cost financing, placement fees, interest, builder's risk insurance, design, engineering, development, project management, architect and contractor fees, as well as all other professional costs associated with the Transportation Project, including accounting and appraisal fees; and (6) the administrative, legal and accounting costs associated with the creation, administration and existence of the District and costs associated with the collection and enforcement of the TDD Sales Tax.

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<sup>1</sup> Stricken language was contained in the Petition. Double underlined language was contained in the Notice of Election and Procedures for Application to Obtain Ballot (published and mailed to each property owner within the District prior to the Election) and in the Ballot and approved by the District voters.