

City of Arnold, Missouri

Public Hearing
Council Chambers

December 6, 2007
7:30 P.M.

- A. An Ordinance Rezoning a Tract of Land as Described in “Attachment A” From R-4 to C-2 in the City of Arnold, Missouri (See Agenda Item 7A).**
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Council Meeting

Following the Public Hearing

Agenda

1. Pledge of Allegiance
2. Opening Prayer
3. Roll Call
4. Acceptance Of Minutes: **November 15, 2007**
5. Acceptance Of Warrants: **Payroll Warrant # 1017; General Warrant #5464**
6. Business From the Floor
7. Ordinances
 - A. Bill No. 2273:** An Ordinance Rezoning a Tract of Land as Described in “Attachment A” From R-4 to C-2 in the City of Arnold, Missouri.
 - B. Bill No. 2274:** An Ordinance Creating a Section of the Code of Ordinances Relating to Harassment.
 - C. Bill No. 2275:** An Ordinance Accepting the Terms and Conditions of the Commercial Mobile Radio Services Class Action Litigation.
8. Resolutions
None
9. Motions
 - A.** A Motion to Waive Bid Procedures and Purchase a 1 Ton Truck from State Bid List.
 - B.** A Motion to Waive Bid Procedures and Purchase a Skid Steer with Backhoe Attachment and Trailer from State Bid List.
 - C.** A Motion to the Purchase and Installation of Two New Irrigation Pumps for the Pomme Creek Golf Course.
 - D.** A Motion to Waive Bid Procedures to Furnish and Install Ornamental Fencing on Church Road at Stardust Drive.
 - E.** A Motion Approving Change Order #1 Regarding a Retaining Wall on the Church Road West Project.

10. New Business
11. Old Business
12. Committee Reports
13. Reports from Mayor and Council
14. Administrative Reports
 - A. Conditional Use Permit for Café Trieste at 2000 Richardson Road.
 - B. Conditional Use Permit for Little Caesar's Pizza at 1845 Jeffco Blvd.
15. Adjournment

Next Work Session Meeting: December 13th at 7:00 p.m.
Next Regular Council Meeting: December 20th at 7:30 p.m.

REGULAR MEETING

DECEMBER 6, 2007

COUNCIL CHAMBERS

2101 JEFFCO BLVD

7:52 PM

Mayor Mark Powell called the meeting to order at 7:52 p.m. Opening prayer was a silent prayer. Those present per roll call taken by City Clerk Diane Waller: Powell, Crisler, Moritz, Brazeal, Amato, Deckman, Cooley, Ems, Vinson, Waller, Unrein, Holden, Blue, Boone, Sweeney, Hall and Shular for Shockey

ACCEPTANCE OF THE MINUTES:

Joyce Deckman moved to accept the minutes of the November 15, 2007 meeting if there are no deletions, errors, or corrections. Seconded by Al Ems. Roll call vote Crisler, yes; Moritz, yes; Brazeal, yes; Amato, yes; Deckman, yes; Cooley, yes; Ems, yes; Vinson, yes; 8 yeas, motion carried.

ACCEPTANCE OF THE WARRANTS:

City Clerk Diane Waller read payroll warrant #1017. Randy Crisler moved to pay payroll warrant #1017 pay period ending November 16, 2007 in the amount of \$215,618.71 if the monies are available. Seconded by Joyce Deckman. Roll call vote: Crisler, yes; Moritz, yes; Brazeal, yes; Amato yes; Deckman, yes; Cooley, yes; Ems, yes; Vinson, yes; 8 yeas, motion carried.

City Clerk Diane Waller read general warrant #5464. Butch Cooley moved to pay general warrant #5464 in the amount of \$951,727.60 if the monies are available. Seconded by Bill Moritz. Roll call vote Crisler, yes; Moritz, yes; Brazeal, yes; Amato, yes; Deckman, yes; Cooley, yes; Ems, yes; Vinson, yes; ; 8 yeas, motion carried.

BUSINESS FROM THE FLOOR:

Mayor restated ordinance requirements regarding speakers.

Doris Borgelt, 653 Louisa, for the record doesn't feel Bill No. 2274 is written for what it was intended for, felt it was too vague and expressed her opposition.

Matt Hay, 1135 Airglades, thanked city for the dog park meeting and then also spoke out against Bill No. 2274.

Mayor requested Items 14A and 14B on the agenda (Conditional Use Permit for Café Treste, 2000 Richardson Road and Little Caesar's Pizza, 1845 Jeffco Blvd.) be moved up and looked at now. Mary Holden briefly referred to her staff report. No opposition was expressed by council so Mayor stated the conditional use permits will stand. Bill Moritz thanked the Mayor for this action and not having to wait till the end of the meeting to review these requests.

ORDINANCES

Bill No. 2276 was discussed. John Brazeal felt the ordinance needed to be amended to delete the condition since it was now determined this condition has been met, providing the easement and the document has been recorded. John Brazeal then moved to amend the ordinance by deleting Section 2 and re-numbering that portion of the ordinance. Seconded by Joyce Deckman. Roll call vote: Crisler, yes, Moritz, yes; Brazeal, yes; Amato, yes; Deckman, yes; Ems, yes; Cooley, yes; Vinson, yes, 8 yeas, motion carried.

BILL NO. 2276 AN ORDINANCE REZONING A TRACT OF LAND AS DESCRIBED IN "ATTACHMENT A" FROM R-4 TO C-2 IN THE CITY OF ARNOLD MISSOURI was read twice by City Clerk Diane Waller. Roll call vote: Crisler, yes; Moritz, yes; Brazeal, yes; Amato, no; Deckman, no; Cooley, no; Ems, yes; Vinson, yes; 5 yeas, 3 nays, ordinance passed.

Note: Al Ems requested a right turn only lane from the old Missouri State Rd onto Old Lemay Ferry Road be looked when future development of this tract is discussed.

Bill No. 2274 - There was much discussion about this bill. Mr. Moritz felt this bill was too vague. He also wanted a letter sent to state and federal elected officials. Phil Amato requested a motion to authorize Arnold Police Department be able to use drug forfeiture money for continuing education purposes regarding internet use. Major Shular stated there is already ongoing training with those in the detective bureau. Mayor added the use of money that may or may not be there or already designated for something else shouldn't be done. Amato, withdrew his motion but asked Major Shular to pass info on to the Chief that we will find money if it is needed for more training in this area.

Mary Holden was excused from the meeting at 8:37 p.m.

BILL NO. 2274 AN ORDINANCE AMENDING A SECTION OF THE CODE OF ORDINANCES RELATING TO HARASSMENT was read twice by City Clerk Diane Waller. Roll call vote: Crisler, yes; Moritz, yes; Brazeal, yes; Amato, yes; Deckman, yes; Cooley, yes; Ems, yes; Vinson, no, 7 yeas, 1 nay, ordinance passed.

BILL NO. 2275 AN ORDINANCE ACCEPTING THE TERMS AND CONDITIONS OF THE COMMERCIAL MOBILE RADIO CLASS ACTION LITIGATION was read twice by City Clerk Diane Waller. Roll call vote: Crisler, yes; Moritz, yes; Brazeal, yes; Amato, yes; Deckman, yes; Cooley, yes; Ems, yes; Vinson, yes, 8 yeas, ordinance passed.

RESOLUTIONS:

There were no resolutions.

MOTIONS

A motion to **waive bid procedures** and approve the **purchase of a 1 ton service truck** for the **Stormwater Department for \$42,970.00 through the State Bid Program** was offered by John Brazeal. He then so moved. Seconded by Joyce Deckman. Roll call vote: Crisler, yes; Moritz, yes; Brazeal, yes; Amato, yes; Deckman, yes; Cooley, yes; Ems, yes; Vinson, yes; 8 yeas, motion carried.

A motion to **waive the formal bidding procedures** and authorize the **purchase of a T250 skid-steer loader with backhoe attachment and 18' Cronkhite Trailer through the State Bid Program, in the amount of \$54,766.00** was offered by Butch Cooley. He then so moved. Seconded by Randy Crisler. Roll call vote: Crisler, yes; Moritz, yes; Brazeal, yes; Amato, yes; Deckman, yes; Cooley, yes; Ems, yes; Vinson, yes; 8 yeas, motion carried.

A motion to accept the bid from **Burgess Ditching for the purchase and installation of new irrigation pumps for Pomme Creek Golf Course** was offered by Randy Crisler. He then so moved. Seconded by Butch Cooley.

Matt Unrein requested the motion be amended to include the dollar amount. Randy then amended his motion by adding the amount of \$22,790. Butch Cooley amended his second. Roll call vote: Crisler, yes; Moritz, yes; Brazeal, yes; Amato, yes; Deckman, yes; Cooley, yes; Ems, yes; Vinson, yes; 8 yeas, motion carried.

A motion to **waive bid procedures and accept the proposal to furnish and install ornamental fencing on Church Road at Stardust Drive to Collins and Hermann, Inc. in the amount of \$11,000.00** was offered by Randy Crisler. He then so moved. Seconded by Paul Vinson. Roll call vote: Crisler, yes; Moritz, yes; Brazeal, yes; Amato, yes; Deckman, yes; Cooley, yes; Ems, yes; Vinson, yes, 8 yeas, motion carried.

A motion to authorize the Public Works Director to approve **change order #1** for the **Church Road West project to the Rosch Company in the amount of \$9,299.10** was offered by Bill Moritz. He then so moved. Seconded by John Brazeal. Roll call vote: Crisler, yes; Moritz, yes; Brazeal, yes; Amato, yes; Deckman, yes; Cooley, yes; Ems, yes; Vinson, yes; 8 yeas, motion carried.

NEW OR OLD BUSINESS

Joyce Deckman asked for an update on the situation at Church Road and Jeffco with the gas leak. Major Shular explained it was still being worked on at this time.

Vinson asked if we needed to make arrangements for shelter should someone be without heat as a result of this.

Bill Moritz questioned the exact location of this mishap and details were explained.

Paul Vinson asked for information as to what is the state bid list and why we are now waiving bid procedures and using it.

Matt Unrein explained how the state goes out for bids and usually gets a very good price because they buy in quantity. We are able to take advantage of this. Mr. Amato asked Mr. Cooley to share how we saved thousands of dollars in the past when purchasing some equipment and Cooley elaborated on those savings.

City Attorney advises city to do this, when possible.

Al Ems questioned the status of the 2 plaques that the city committed to make commemorating the original council members appointed when the city began. Amato stated the history of Arnold mural at the library should be dedicated in February and felt it would be nice if they were done in time for that. One plaque was for city hall and one for the library. Mr. Unrein will move on this so it happens.

Mr. Amato questioned if Jackson Homes had taken the necessary action on the items he had brought up in a past meeting regarding their development adjoining an existing subdivision off of Tenbrook Road. Since Mary was not here to address this, Matt will have her provide an update soon.

Mr. Amato also expressed concern about the appearance of the rock hillside visible from Highway 55 at the VFW location as Mr. Otto of THF had assured him this would be landscaped and made aesthetically pleasing.

Mr Hall responded they are working on this area.

Mr. Amato questioned if the situation with the ventilation system to handle the smoke has been addressed yet at the VFW.

Mayor announced he had just received word that the problem has been found and a solution is imminent. This will be costly for the developer but it will be taken care of.

Butch Cooley shared complaints he had received regarding barking dogs on Melody and a similar problem on Susan. Shular advised that the residents must contact Police, they will respond and if needed will write citations or notify code enforcement.

Butch Cooley also wants staff to take a look at the cars parking along an area near Melody and Church which limits visibility. Residents have safety concerns now that bad weather is approaching.

Butch Cooley asked that staff look at the city owned property at the Jeffco/Michigan/Ridgecrest intersection and see if fill can be added to help this location.

Phil Amato shared that he finally has a company willing to bring their solar lite sample to the city grounds for demo purposes.

COMMITTEE REPORTS

Bill Moritz stated Liquor Control Committee met this evening, approved minutes but had taken no other official action.

REPORTS FROM MAYOR AND COUNCIL

Ward 4 – Butch Cooley – Complimented Susie Boone for a nice job as the Rec Center is looking good.

Ward 1 – Paul Vinson – Also complimented Susie Boone for the way she handled the Dog Park Meeting. She was met with opposition but he fully supports her and thinks she has an excellent plan. Also asked for more police presence in the neighborhood by the proposed dog park as the residents indicated this was needed to curtail some activity now going on there.

Ward 4 – Al Ems – Stated he had attended the Grand Opening of the first business in the Triangle Development and it was great.

Ward 1 – Randy Crisler – Also attended the Dog Park meeting and was a bit confused by some of the remarks of the residents regarding traffic concerns but not wanting the city's assistance.

Ward 2 – Brazeal – No report

Ward 3 – Joyce Deckman – Thanked the council for supporting her on the cyberspace harassment ordinance.

Ward 2 – Bill Moritz – Attended the Dog Park Meeting also and thinks there is a workable solution for the traffic concerns.

Ward 3 - Phil Amato – No Report

ADMINISTRATIVE REPORTS

Mayor Powell – Announced the Chamber of Commerce has their swearing in ceremony Friday evening and the Kiwanis Christmas Parade is Saturday night but will be starting from a new location by 84 Lumber.

Bob Sweeney – No Report

Matt Unrein – No Report

Diane Waller – Stated she will be on vacation next week and will have Deputy Clerk Sarah Reifenberger attending the work session.

Greg Hall – Announced he had provided a memo with the Fawn Drive Change Order to council earlier this evening. Also credited the Mayor for the Gobble, Gobble Run idea and that it went very well and anticipates next year even better.

Mary Holden – (excused)

Jeff Blue – Gave a brief status report on Church Road. Lowes opens on January 13, 2008

Susie Boone – Stated the UV system is up and running. 223 attended the Santa's Breakfast last Saturday. Announced there will be a meeting regarding golf course improvement/ ideas on January 2 at 6:30 pm at the Rec Center. She appreciates the support she is being shown for the dog park. At the next work session a combination pass will be presented and discussed, encompassing all leisure facilities here in the city.

Major Shular – No report

A motion to adjourn was offered by Randy Crisler, seconded by Butch Cooley.

Voice vote: 8 yeas, motion carried. Meeting adjourned at 9:52 pm.

Respectfully submitted,

City Clerk