

City of Arnold, Missouri

Public Hearing
Council Chambers

December 18, 2008
7:30 p.m.

1. **An Ordinance Approving a New Preliminary Plat Titled Foxwood Estates.**
2. **An Ordinance Approving a Record Plat Titled “Richardson Square, Plat Seventeen”.**

Council Meeting
Council Chambers

Immediately Following the Public Hearing

Agenda

1. Pledge of Allegiance
2. Opening Prayer
3. Roll Call
4. Acceptance Of Minutes: **December 4, 2008**
5. Acceptance Of Warrants: **Payroll Warrant #1044 - General Warrant #5489**
6. Business From the Floor
7. Ordinances
 - A. **Bill No. 2330:** An Ordinance Approving a New Preliminary Plat Titled Foxwood Estates.
 - B. **Bill No. 2331:** An Ordinance Approving a Record Plat Titled “Richardson Square, Plat Seventeen”
 - C. **Bill No. 2332:** An Ordinance Amending Chapter 24, Article II, Section 24-83 User Charge System Established.
8. Resolutions
 - A. **Resolution No. 08-54:** A Resolution Modifying the Police Pension Plan.
9. Motions
 - A. A Motion to Approve a Fire Works Contract.
 - B. A Motion to Hold a Closed Session Immediately Following the City Council Meeting for the Purpose of Discussing Litigation Section 610.021 (1).
10. New Business
11. Old Business
 - A. Review of Plastic Bag Slide Show Presentation – Bill Moritz
 - B. TDD/Arnold Commons Bond Sale Update.

12. Committee Reports
13. Reports from Mayor and Council
14. Administrative Reports
15. Adjournment

Next Regular Council Meeting: Thursday, January 8th at 7:30 p.m.
Next Work Session Meeting: Thursday, January 15th at 7:00 p.m.

December 12, 2008
Z:\CITYDOCS\AGENDA\COUNCIL\2008 Agenda\20081218doc

Mayor Mark Powell called the meeting to order at 7:42 pm.

The Pledge of Allegiance was recited.

Mayor Powell asked for a moment of silence in honor of those who lost their lives in the Pearl Harbor attack many years ago so they will never be forgotten.

Those present per roll call taken by City Clerk Diane Waller: Hay, Poor, Moritz, Cooley, Amato, Crisler, Deckman, Ems, Unrein, Waller, Holden, Lewis, Sweeney, Boone, Major Shular, Blue, Freese and Hall.

ACCEPTANCE OF THE MINUTES:

Butch Cooley moved to **accept the minutes of the December 4, 2008 meeting** if there are no deletions, errors, or corrections. Seconded by Randy Crisler. Roll call vote: Hay, yes; Poor, yes; Moritz, yes; Cooley, yes; Amato, yes; Crisler, yes; Deckman (abstained) Ems, yes; 7 yeas, 1 abstention, **motion carried.**

ACCEPTANCE OF THE WARRANTS:

City Clerk Diane Waller read payroll warrant **#1044**. Bill Moritz moved to pay **payroll warrant #1044** pay period ending November 28, 2008, in the amount of \$244,078.09 if the monies are available. Seconded by Jerel Poor. Roll call vote: Hay, yes; Poor, yes; Moritz, yes; Cooley, yes; Amato, yes; Crisler, yes; Deckman, yes; Ems, yes; 8 yeas, **motion carried.**

City Clerk Diane Waller read general warrant **#5489**. Randy Crisler moved to pay **general warrant #5489** in the amount of \$846,186.89 if the monies are available. Seconded by Jerel Poor. Roll call vote: Hay, yes; Poor, yes; Moritz, yes; Cooley, yes; Amato, yes; Crisler, yes; Deckman, yes; Ems, yes; 8 yeas, **motion carried.**

BUSINESS FROM THE FLOOR

Jim Edwards, 3338 Boca Raton, questioned what was happening regarding the hole at Richardson Crossing and also requested an update on the Ozark Bridge.

Mary Holden stated city has contacted the developer and they have contracted with DuraSeal for slab replacement.

The Ozark Bridge replacement will be addressed during staff report.

Joe Fritz, 1159 Starlight, expressed his concern for the situation near his home with the Foxwood development and the wall. He indicated his insurance company had notified him that if something happens to his home as a result of the blasting, it would be his responsibility.

Cindy Coleman, 3440 Tenbrook, expressed her disagreement in the way the city is handling the snipe signs. She said as a real estate agent it has presented problems for her personally and offered some suggestions.

Randy Crisler acknowledged there had been a problem regarding some real estate signs being taken and they will be returned.

Mary Holden clarified the only “legal” place for a real estate sign is on the actual property.

Jerel Poor questioned if there had been any effort by the city to contact the owners of the signs that have been removed.

Matt Hay also had concern for those whose signs had been removed.

Mayor suggested the snipe sign program go back to a future work session.

ORDINANCES

BILL NO. 2330 AN ORDINANCE APPROVING A NEW PRELIMINARY PLAT TITLED FOXWOOD ESTATES.

There was much discussion regarding this bill.

Mary Holden introduced Josiah Cox, a Civil Engineer with Trumpet Land Services. He explained the wall involved and the need to have it safe and the residents feel secure in the area adjoining.

Randy Crisler commented on how this development has been going on for 5 years and the importance of the 12 conditions being completed before moving forward.

Phil Amato expressed fears also because of ongoing storm water issues and said he would not support it. He would like to hear from a structural engineer to tell us what needs to be done.

Randy Crisler reiterated no home would be built until all problems are fixed and the 12 conditions are met.

Bill Moritz stated the agreement was actually missing the intended word “wall” on the second page of the agreement.

More discussion continued and the Mayor questioned the process of certification and it was explained.

Attorney Sweeney offered his comments and assurances.

The Mayor added if “the wall” were not built to proper engineering standards, city would not allow homes to be built.

Mr. Cooley indicated there is another wall in the city, at another location that was built and is not good. Mary Holden acknowledges city is working on that separate issue.

City Clerk Diane Waller read Bill No. 2330 one time.

Phil Amato **offered a motion and so moved to revert back to original number of lots (31).** Seconded by Joyce Deckman.

His action was questioned and Attorney Sweeney advised the process is okay but not prudent and expressed his concerns.

Both Councilman Amato and Councilwoman Deckman then **withdrew their motion and second.**

Bill No. 2330 read for the second time.

Treasurer Paul Freese reiterated that the conditions must be met when the wall is built and pass Geotech analysis.

Roll call vote on **Bill No. 2330, AN ORDINANCE APPROVING A NEW PRELIMINARY PLAT TITLED FOXWOOD ESTATES:** Hay, yes; Poor, yes; Moritz, yes; Cooley, yes; Amato, no; Crisler, yes; Deckman, no; Ems, yes; 6 yeas, 2 nays, **ordinance passed.**

BILL NO. 2331 AN ORDINANCE APPROVING A RECORD PLAT TITLED ‘RICHARDSON SQUARE, PLAT SEVENTEEN’ was read once by City Clerk Diane Waller.

Phil Amato left the council chambers at 8:22 pm.

Bill No. 2331 was read for the second time. Roll call vote: Hay, yes; Poor, yes; Moritz, yes; Cooley, yes; Amato (out of the room); Crisler, yes; Deckman, yes; Ems, yes; 7 yeas, **ordinance passed.**

Phil Amato returned to the Council Chambers at 8:24 pm.

Mary Holden left the meeting at 8:24 pm.

BILL NO. 2332 AN ORDINANCE AMENDING CHAPTER 24, ARTICLE II, SECTION 24-83 USER CHARGE SYSTEM ESTABLISHED was read twice by City Clerk Diane Waller. Roll call vote: Hay, yes; Poor, yes; Moritz, yes; Cooley, yes; Amato, yes; Crisler, yes; Deckman, yes; Ems, yes; 8 yeas, **ordinance passed.**

Phil Amato wants to see a discussion regarding water conservation, if the information is available, at the January work session.

RESOLUTIONS

RESOLUTION NO. 08-54 – A RESOLUTION AUTHORIZING AN AMENDMENT TO THE CITY OF ARNOLD POLICE PENSION PLAN was offered by Al Ems and he so moved. Seconded by Butch Cooley. Roll call vote: Hay, yes; Poor, yes; Moritz, yes; Cooley, yes; Amato, yes; Crisler, yes; Deckman, yes; Ems, yes; 8 yeas, **resolution passed.**

MOTIONS

A motion to **accept the second year of the fireworks contract with Gateway Fireworks** in the amount of **\$20,000** was offered by Al Ems and he so moved. Seconded by Bill Moritz. Roll call vote: Hay, yes; Poor, yes; Moritz, yes; Cooley, yes; Amato, yes; Crisler, yes; Deckman, yes; Ems, yes; 8 yeas, **motion carried.**

A **motion to hold a closed session** immediately following the city council meeting for the purpose of **discussing litigation** per Missouri Revised State Statute 610.021 (1) was offered by Bill Moritz and he so moved. Seconded by Butch Cooley. Roll call vote: Hay, yes; Poor, yes; Moritz, yes; Cooley, yes; Amato, yes; Crisler, yes; Deckman, yes; Ems, yes; 8 yeas, **motion carried.**

NEW BUSINESS

There was no new business tonight.

OLD BUSINESS

Bill Moritz showed a presentation regarding recycling plastic bags. This was originally scheduled for the work session but there were technical difficulties. He wanted to heighten everyone's awareness of the consumer use of these bags and possible ideas for future recycling of them.

Joyce Deckman left the council chamber at 8:45 pm.

Matt Unrein introduced Carl Ramey and Mark Grimm. Mr. Ramey distributed documents and elaborated on them, giving a full update on the TDD/Arnold Commons Bond Sale Update. Council questioned them on various issues.

Mayor spoke about the ambulance district and how it will cost about 2 and a half million dollars in TIF money.

Randy Crisler read a lengthy prepared statement and shared stats regarding calls made and anticipated by the ambulance district. He was both disturbed and frustrated by the numbers and thought they were questionable. He also shared the difficulties he incurred while attempting to acquire this information.

Mayor also shared his experiences with trying to resolve the issues with the ambulance district and signing the agreement.

Much discussion. City will continue to try and negotiate and report back.

COMMITTEE REPORTS

There were no committee reports.

REPORTS FROM MAYOR AND COUNCIL

Ward 4 – Al Ems – Mr. Ems wished all a Merry Christmas and a prosperous New Year.

Ward 2– Bill Moritz – Encouraged all to drive safe and expressed Kudos to the road crew.

Ward 4 – Butch Cooley – Thanked road crew and Jeff Blue for their assistance with the Cable Company. Wished all a Merry Christmas and Happy New Year.

Ward 1 – Randy Crisler – Wished all a Merry Christmas

Ward 2 – Jerel Poor - Wished all a Merry Christmas and Happy New Year

Ward 3 – Joyce Deckman – Excused

Ward 1– Matt Hay - Said he was glad to see a full council present tonight and wished everyone a Merry Christmas and Happy New Year.

Ward 3 – Phil Amato – Merry Christmas

Mayor Powell – Stated he was pleased to have Joyce and Al back.

ADMINISTRATIVE REPORTS

Attorney Sweeney – Merry Christmas and Happy Holidays

Matt Unrein – Merry Christmas and Happy Holidays

Diane Waller – Reported that Veolia trucks did not go out Monday due to the icy conditions elsewhere. Our streets were in good shape and she thanked our crew. However, Veolia has been playing catch up all week as trucks have been breaking down but they assure us they will have all trash picked up and will work the weekend if necessary. Also reported filing opened this past Tuesday for the April 7th election. Wished all a Merry Christmas and a Happy and Healthy New Year.

Greg Hall – Stated the Arnold updates were delivered to the Post Office Tuesday so they should be arriving soon. Reported the intent is to install the Ozark Bridge as soon as it is received. Reported Mr. Rosenthal has filed a lawsuit against the city and has instructed his tenants to not cooperate with the city. City is trying to get tenants to come to city hall and pickup their trash rebates and at the same time provide information needed to complete the grant.

Mr. Amato commented that if the trailers cannot be moved and Mr. Rosenthal is increasing their pad rent, the tenants are being held hostage.

Mary Holden – Excused

Jeff Blue – No Report.

Paul Freese – No Report

Deborah Lewis – No Report

Susie Boone – Informed everyone that tomorrow night is the Chamber of Commerce Christmas Block Party at Arnold Crossroads. All are invited from 6 – 9 pm.
Wished all Happy Holidays and a Merry Christmas.

Major Shular – Wished all a Merry Christmas and Happy New Year.

A motion to adjourn was offered by Bill Moritz. Seconded by Jerel Poor.
Voice vote: all yeas, meeting adjourned at 9:32 pm.

Respectfully submitted,

City Clerk