

## City of Arnold, Missouri

Council Meeting  
Council Chambers

February 7, 2008  
7:30 p.m.

### Agenda

1. Pledge of Allegiance
2. Opening Prayer
3. Roll Call
4. Acceptance Of Minutes: **January 17, 2008**
5. Acceptance Of Warrants: **Payroll Warrant #1021 and #1022 - General Warrant #5468**
6. Business From the Floor
7. Ordinances
  - A. **Bill No. 2282:** An Ordinance Accepting White Dawn Court in the White Dawn Estates Subdivision for Public Maintenance.
  - B. **Bill No. 2283:** An Ordinance Accepting the Terms and Conditions of the AT&T Commercial Mobile Radio Services Class Action Litigation.
  - C. **Bill No. 2284:** An Ordinance Accepting the Terms and Conditions of the Sprint Commercial Mobile Radio Services Class Action Litigation.
  - D. **Bill No. 2285:** An Ordinance Revising the Municipal Code of Ordinances Regarding the Municipal Court.
  - E. **Bill No. 2286:** An Ordinance Amending Chapter 23, Article II of the Code of Ordinances Relating to Traffic.
  - Bill No. 2287:** An Ordinance Amending Chapter 23, Article II of the Code of Ordinances Relating to Traffic.
  - Bill No. 2288:** An Ordinance Amending Chapter 23, Article II of the Code of Ordinances Relating to Traffic.
  - Bill No. 2289:** An Ordinance Amending Chapter 23, Article II of the Code of Ordinances Relating to Traffic.
  - Bill No. 2290:** An Ordinance Amending Chapter 23, Article II of the Code of Ordinances Relating to Traffic.
  - Bill No. 2291:** An Ordinance Amending Chapter 23, Article II of the Code of Ordinances Relating to Traffic.
  - Bill No. 2292:** An Ordinance Amending Chapter 23, Article II of the Code of Ordinances Relating to Traffic.
8. Resolutions
  - A. **Resolution No. 08-08:** A Resolution Authorizing the Vacation of Roadway Easement and Utility Easement.
  - B. **Resolution No. 08-09:** A Resolution Authorizing a Service Agreement with Rejis for Subscription data services.

9. Motions
  - A. A Motion Approving Charge Order to Flatt Golf Services (FGS) for Golf Design Layout and Construction Monitoring Services, Pomme Creek #16 Hole Revision.
  - B. A Motion Approving Change Order #1 Regarding the Highway 141 Slip Access Project.
10. New Business
11. Old Business
12. Committee Reports
13. Reports from Mayor and Council
14. Administrative Reports
  - A. Hale Motors, 1175 Jeffco Blvd., Expansion of Used Car Sales Lot, Conditional Use Permit
  - B. 3148 Arnold-Tenbrook Rd., Conditional Use Permit for Construction of Sunroom to Existing Home in Flood Plain
15. Adjournment

**Next Work Session Meeting: February 14<sup>th</sup> at 7:00 p.m.**  
**Next Regular Council Meeting: February 21<sup>st</sup> at 7:30 p.m.**

**REGULAR MEETING**

**FEBRUARY 7, 2008**

**COUNCIL CHAMBERS**

**2101 JEFFCO BLVD**

**7:30 PM**

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In the absence of Mayor Mark Powell, Mayor Pro-tem Al Ems called the meeting to order at 7:30 p.m.

He stated that if anyone was here regarding the Coach Mobile Home Park Rezoning to a Planned Residential Development (PRD), that Public Hearing will take place at the P & Z Meeting on February 12<sup>th</sup> and the Public Hearing is scheduled prior to the Council meeting February 21.

The Pledge of Allegiance was recited. Opening prayer was a silent prayer.

Those present per roll call taken by City Clerk Diane Waller: Powell (excused), Deckman, Ems, Cooley, Vinson, Crisler, Moritz (arrived at the end of roll call) Brazeal, Amato, Waller, Unrein, Holden, Lewis, Sweeney, Boone, Shockey, Blue, and Hall.

**ACCEPTANCE OF THE MINUTES:**

Randy Crisler moved to accept the minutes of the January 17, 2008 meeting if there are no deletions, errors, or corrections. Seconded by Butch Cooley. Roll call Vote: Deckman, yes; Ems, yes; Cooley, yes; Vinson, yes; Crisler, yes; Moritz, yes; Brazeal, yes; Amato, yes; 8 yeas; motion carried.

**ACCEPTANCE OF THE WARRANTS:**

City Clerk Diane Waller read payroll warrant #1021. Butch Cooley moved to pay payroll warrant #1021 pay period ending January 11, 2008 in the amount of \$229,329.31 if the monies are available. Seconded by Bill Moritz. Roll call vote: Deckman, yes; Ems, yes; Cooley, yes; Vinson, yes; Crisler, yes; Moritz, yes; Brazeal, yes; Amato, yes; 8 yeas, motion carried.

City Clerk Diane Waller read payroll warrant #1022. Joyce Deckman moved to pay payroll warrant #1022 pay period ending January 25, 2008 in the amount of \$227,103.77 if the monies are available. Seconded by Butch Cooley. Roll call vote: Deckman, yes; Ems, yes; Cooley, yes; Vinson, yes; Crisler, yes; Moritz, yes; Brazeal, yes; Amato, yes; 8 yeas, motion carried.

City Clerk Diane Waller read general warrant #5468. Randy Crisler moved to pay general warrant #5468 in the amount of \$1,183,278.97 if the monies are available. Seconded by Joyce Deckman. Roll call vote; Deckman, yes; Ems, yes; Cooley, yes; Vinson, yes; Crisler, yes; Moritz, yes; Brazeal, yes; Amato, yes; 8 yeas, motion carried.

## **BUSINESS FROM THE FLOOR**

Ms. Ruth Houser, 3148 Arnold Tenbrook, which is on the corner of Telegraph and Arnold Tenbrook, requested the city look into lighted signage for the dark intersection near her home so as to help the big trucks coming that way. Mayor Pro-tem directed Public Works Director Jeff Blue to investigate and consider options to make this happen.

Phil Amato added a solar lighting company is expected to provide demo equipment in about 30 days for other projects here in the city and this might also work and be a good solution for that corner.

Jim Edwards, 3338 Boca Raton, addressed the council regarding the closing of the Ozark Bridge a few years ago and feels a decision needs to be made on this bridge replacement project.

Greg Hall added he had provided a memo regarding the bridge replacement and where the city is with this today. He gave background and talked about Mr. Rosenfeld's objection to his share of the cost. Mr. Hall feels condemnation may be in the picture if the city wants this issue resolved.

Matt Hay, 1135 Airglades, read a prepared statement voicing his feelings about the city denying access in regards to folks coming into our facilities to photograph animals.

Susan Rhoades, 1467 Wayne, also spoke out against the city's resistance to allow photographing of the animals at the city animal facility. She would like the city to consider a volunteer program to allow others to work with the animals in the shelter.

Janet Banks, 9667 Yorkshire Estates, identified herself as a 5 year volunteer in the city of St. Louis. She stated waivers had to be signed and liability issues addressed there and feels the city of Arnold could do likewise.

Normal Moss, 2270 Fawn, stated a shooting had just occurred inside the Kirkwood City Hall tonight and expressed concern for the safety and protection of those in our council chambers. Suggested city take steps to secure and make our chambers safer.

Faith Welker, 2116 Doe Run, admitted she was the person photographing the animals in the city shelter and felt it helped get them adopted.

Elizabeth Johnston, 3099 Kerry Road in Festus, added these photos are very important in dog fostering and adoption.

Al Ems stated enough has been said about dogs and reiterated the policy is in-house and done administratively but will be looked into.

Agenda amended to discuss Liquor applications at this point.

Bill Moritz, Chairman of the Liquor Committee, reported a meeting was held this evening and presented the recommendation and then offered a motion to approve the **Intoxicating Liquor by the Drink and on Sunday for 54<sup>th</sup> Street Grill and Bar, 2236 Michigan Ave., with Tim Gilbert, Managing Officer.** Seconded by Joyce Deckman. Roll call vote: Deckman, yes; Ems, yes; Cooley, yes; Vinson (abstain); Crisler, yes; Moritz, yes; Brazeal, yes; Amato, yes; 7 yeas, 1 abstention, motion carried.

Bill Moritz offered a motion to approve the **Intoxicating Liquor in original package and on Sunday for the Dierbergs Markets in Arnold Commons with Michael Bossi, Managing Officer.** Seconded by John Brazeal. Roll call vote: Deckman, yes; Ems, yes; Cooley, yes; Vinson (abstain); Crisler, yes; Moritz, yes; Brazeal, yes; Amato, yes; 7 yeas, 1 abstention, motion carried.

Agenda also amended to discuss Administrative Reports at this time.

#### **HALE MOTORS EXPANSION CONDITIONAL USE PERMIT**

Much discussion regarding the **Hale Motors Expansion Conditional Use Permit.** *For the record* Phil Amato stated he has nothing personal against this man. However, he will stay consistent with his past voting record and not support used car lots. He feels this is poor planning on the part of the city, there are safety concerns, and he is upset with Koch Development over this.

Paul Vinson questioned the deadline for sewer hookup and questioned Mr. Hale regarding this. A motion was then offered by Mr. Vinson **to extend the date of hookup to read sanitary sewer hookup must be completed by 8/1/08,** seconded by Randy Crisler. Roll call vote: Deckman, yes; Ems, yes; Cooley, yes; Vinson, yes; Crisler, yes; Moritz, yes; Brazeal, yes; Amato, yes; 8 yeas, motion carried.

Al Ems expressed concerns about the driveway and discussion followed.

Randy Crisler asked that this permit stands approved with the condition noted above (sanitary sewer hookup by 8/1/08)

Phil Amato offered a motion to deny the permit for the expansion of the used car sales lot. However, motion died for a lack of a second.

**3148 ARNOLD TENBROOK CONDITIONAL USE PERMIT FOR  
CONSTRUCTION OF SUNROOM TO EXISTING HOME IN FLOOD PLAIN**

Favorable comments were expressed. There were no objections so this stands approved.

**ORDINANCES**

Bill No. **2282 AN ORDINANCE ACCEPTING LANDS KNOWN AS WHITE DAWN COURT IN WHITE DAWN ESTATES SUBDIVISION FOR PUBLIC USE AS STREETS AND ROADS** was read twice by City Clerk Diane Waller. Roll call vote: Deckman, yes; Ems, yes; Cooley, yes; Vinson, yes; Crisler, yes; Moritz, yes; Brazeal, yes; Amato, yes; 8 yeas, ordinance passed.

Randy Crisler offered a motion that if the next two ordinances are adopted and the **money received from AT & T and Sprint**, the money **be deposited in undesignated reserve** and then so moved. Seconded by Joyce Deckman. Roll call vote: Deckman, yes; Ems, yes; Cooley, yes; Vinson, yes; Crisler, yes; Moritz, yes; Brazeal, yes; Amato, yes; 8 yeas, motion carried.

Bill No. **2283 AN ORDINANCE ACCEPTING THE TERMS AND CONDITIONS OF THE AT & T COMMERCIAL MOBILE RADIO SERVICES CLASS ACTION LITIGATION** was read twice by City Clerk Diane Waller. Roll call vote: Deckman, yes; Ems, yes; Cooley, yes; Vinson, yes; Crisler, yes; Moritz, yes; Brazeal, yes; Amato, yes; 7 yeas, ordinance passed.

Bill No. **2284 AN ORDINANCE ACCEPTING THE TERMS AND CONDITIONS OF THE SPRINT COMMERCIAL MOBILE RADIO SERVICES CLASS ACTION LITIGATION** was read twice by City Clerk Diane Waller. Roll call vote: Deckman, yes; Ems, yes; Cooley, yes; Vinson, yes; Crisler, yes; Moritz, yes; Brazeal, yes; Amato, yes; 8 yeas, ordinance passed.

Bill No. **2285 AN ORDINANCE AMENDING CHAPTER 16, ARTICLE II OF THE CODE OF ORDINANCES RELATING TO THE MUNICIPAL COURT** was read twice by City Clerk Diane Waller. Roll call vote: Deckman, yes; Ems, yes; Cooley, yes; Vinson, yes; Crisler, yes; Moritz, yes; Brazeal, yes; Amato, yes; 8 yeas, ordinance passed.

Bill No. **2286 AN ORDINANCE AMENDING CHAPTER 23, ARTICLE II OF THE CODE OF ORDINANCES RELATING TO TRAFFIC** was read twice by City Clerk Diane Waller. Roll call vote: Deckman, yes; Ems, yes; Cooley, yes; Vinson, yes; Crisler, yes; Moritz, yes; Brazeal, yes; Amato, yes; 8 yeas, ordinance passed.

Bill No. **2287** AN ORDINANCE AMENDING CHAPTER 23, ARTICLE II OF THE CODE OF ORDINANCES RELATING TO TRAFFIC was read twice by City Clerk Diane Waller. Roll call vote: Deckman (out of the room); Ems, yes; Cooley, yes; Vinson, yes; Crisler, yes; Moritz, yes; Brazeal, yes; Amato, yes; 7 yeas, ordinance passed.

Bill No. **2288** AN ORDINANCE AMENDING CHAPTER 23, ARTICLE II OF THE CODE OF ORDINANCES RELATING TO TRAFFIC was read twice by City Clerk Diane Waller. Roll call vote: Deckman, yes; Ems, yes; Cooley, yes; Vinson, yes; Crisler, yes; Moritz, yes; Brazeal, yes; Amato, yes; 8 yeas, ordinance passed.

Bill No. **2289** AN ORDINANCE AMENDING CHAPTER 23, ARTICLE II OF THE CODE OF ORDINANCES RELATING TO TRAFFIC was read twice by City Clerk, Diane Waller. Roll call vote: Deckman, yes; Ems, yes; Cooley, yes; Vinson, yes; Crisler, yes; Moritz, yes; Brazeal, yes; Amato, yes; 8 yeas, ordinance passed.

Bill No. **2290** AN ORDINANCE AMENDING CHAPTER 23, ARTICLE II OF THE CODE OF ORDINANCES RELATING TO TRAFFIC was read twice by City Clerk, Diane Waller. Roll call vote: Deckman, yes; Ems, yes; Cooley, yes; Vinson, yes; Crisler, yes; Moritz, yes; Brazeal, yes; Amato, yes; 8 yeas, ordinance passed.

Bill No. **2291** AN ORDINANCE AMENDING CHAPTER 23, ARTICLE II OF THE CODE OF ORDINANCES RELATING TO TRAFFIC was read twice by City Clerk, Diane Waller. Roll call vote: Deckman, yes; Ems, yes; Cooley, yes; Vinson, yes; Crisler, yes; Moritz, yes; Brazeal, yes; Amato, yes; 8 yeas, ordinance passed.

Bill No. **2292** was discussed. Paul Vinson offered a motion to amend, reflecting a change in work zone fine clarifying inactive zones – when workers are not present, and then so moved. Seconded by Phil Amato. Roll call vote: Deckman, yes; Ems, yes; Cooley, yes; Vinson, yes; Crisler, yes; Moritz, yes; Brazeal, yes; Amato, yes; 8 yeas, motion carried.

Bill No. **2292** AN ORDINANCE AMENDING CHAPTER 23, ARTICLE II OF THE CODE OF ORDINANCES RELATING TO TRAFFIC (as amended) was read twice by City Clerk, Diane Waller. Roll call vote: Deckman, yes; Ems, yes; Cooley, yes; Vinson, yes; Crisler, yes; Moritz, yes; Brazeal, yes; Amato, yes; 8 yeas, ordinance passed.

## **RESOLUTIONS:**

**RESOLUTION NO. 08-08 A RESOLUTION AUTHORIZING THE VACATION OF ROADWAY EASEMENT AND UTILITY EASEMENT** was offered by Paul Vinson. He then so moved. Seconded by John Brazeal. Roll call vote: Deckman, yes; Ems, yes; Cooley, yes; Vinson, yes; Crisler, yes; Moritz, yes; Brazeal, yes; Amato, yes; 8 yeas. Resolution passed.

**RESOLUTION NO. 08-09 A RESOLUTION AUTHORIZING A SERVICE AGREEMENT WITH REJIS FOR SUBSCRIPTION DATA SERVICES** was offered by Paul Vinson. He then so moved. Seconded by Butch Cooley. Roll call vote: Deckman, yes; Ems, yes; Cooley, yes; Vinson, yes; Crisler, no; Moritz, yes; Brazeal, yes; Amato, yes; 7 yeas, 1 nay. Resolution passed.

## **MOTIONS**

A change reflected on Paragraph 6 of the contract was explained and discussed. A motion to authorize the Mayor to sign **Change Order #1 with Flatt Golf Services (FGS) in the amount not to exceed \$9000.000** was offered by Bill Moritz. He then so moved. Seconded by Joyce Deckman. Roll call vote: Deckman, yes; Ems, yes; Cooley, yes; Vinson, yes; Crisler, yes; Moritz, yes; Brazeal, yes; Amato, yes; 8 yeas, motion carried.

A motion to authorize the Public Works Director to approve **Change Order #2 for the Highway 141 Slip Access Project to N. B. West in the amount of \$27,993.80** was offered by Joyce Deckman. She then so moved. Seconded by Phil Amato. Roll call vote: Deckman, yes; Ems, yes; Cooley, yes; Vinson, yes; Crisler, yes; Moritz, yes; Brazeal, yes; Amato, yes; 8 yeas, motion carried.

## **NEW BUSINESS**

There was no new business.

## **OLD BUSINESS**

There was no old business.

## **COMMITTEE REPORTS:**

Other than what the liquor committee previously brought up, there were no other committee reports.



## **REPORTS FROM MAYOR AND COUNCIL:**

Ward 4 – Butch Cooley – No Report

Ward 1 – Paul Vinson – Expressed appreciation to whomever noticed the need to update all the ordinances that were brought forward tonight. Brought up an ADA compliance issue with sidewalk near Starling and Jeffco and questioned what steps could be taken to get MoDot to take action.

Matt explained the sidewalk is under MoDot's control and he didn't think there were resources at this time for MoDot to address this.

Ward 1 – Randy Crisler -Questioned what it would cost if city were to fix it?  
He also reminded everyone of the upcoming Hometown Meeting at 6:30 on February 20<sup>th</sup> at the old Community Center.

Ward 2 – John Brazeal - No report

Ward 3 – Joyce Deckman - No report

Ward 2 – Bill Moritz – No report

Ward 3 - Phil Amato – No report

## **ADMINISTRATIVE REPORTS**

Matt Unrien – Announced that Mr. Pointer who had begun the Hometown project, has requested funding assistance from the city. Mr. Unrein suggests we wait and see how the meeting goes on the 20<sup>th</sup> before taking any action.

Diane Waller – No report

Bob Sweeney – No report

Greg Hall – Referred to his memo handed out earlier regarding the Ozark Bridge situation.

Mary Holden – No report

Jeff Blue – Gave a brief update on the status of the road work at Mo. State Road

Deborah Lewis – No report

Susie Boone – Referred to the yearly revenue report and the astonishing numbers. Reported that the weather has not been conducive for working on the golf course.

Chief Shockey – Reported there were deaths as a result of the shootings in Kirkwood City Hall this evening

Ms. Elizabeth Wainright, from the Department of Agriculture, was acknowledged and thanked for being here tonight.

Motion to adjourn was offered by Joyce Deckman. Seconded by John Brazeal. Voice vote: motion carried.

Meeting adjourned at 8:50 pm

Respectfully submitted,

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City Clerk