

City of Arnold, Missouri

Council Meeting  
Council Chambers

February 21, 2008  
7:30 p.m.

Revised Amended Agenda

1. Pledge of Allegiance
2. Opening Prayer
3. Roll Call
4. Acceptance Of Minutes: **February 7, 2008**
5. Acceptance Of Warrants: **Payroll Warrant #1023 - General Warrant #5469**
6. Business From the Floor
7. Ordinances
  - A. **Bill No. 2293:** An Ordinance Pertaining to Firearms City Buildings.
  - B. **Bill No. 2294:** An Ordinance Approving a Record Platt Titled "Maxville Gardens."
8. Resolutions
  - A. **Resolution #08-10:** A Resolution Extending a Contract with Dura Seal Paving Contractor, Inc., for the 20008 Mill, Material, and Asphalt Overlay Street Repair Project.
  - B. **Resolution #08-11:** A Resolution Extending a Contract with Dura Seal Paving Contractor, Inc., for the 2008 Concrete Street Repair Project.
  - C. **Resolution #08-12:** A Resolution Extending a Contract with Missouri Petroleum Products Co., LLC for the 2008 Aggregate Seal Coat Street Repair Project
  - D. **Resolution #08-13:** A Resolution Awarding Engineering Contract to \_\_\_\_\_for the Woodridge Storm Water Project.
  - E. **Resolution #08-14:** A Resolution Reappointing Todd Hamby as Municipal Judge.
  - F. **Resolution #08-15:** A Resolution Appointing Paul Freese to Fill an Unexpired Term of City Treasurer.
  - G. **Resolution #08-16:** A Resolution Authorizing Planning and Community Development Services.
9. Motions
  - A. A Motion to Hold a Closed Session Immediately Following the City Council Meeting for the Purpose of Discussing Personnel Pursuant to Section 610.021(3), RSMO.
  - B. A Motion to Authorize Change Order with MSD (Drop Structure Payment)
10. New Business
  - A. 2007 Annual Audit Report – Hochschild, Bloom & Co., L.L.C.
11. Old Business
12. Committee Reports

13. Reports from Mayor and Council
14. Administrative Reports
  - A. Conditional Use/Commercial Site Plan Approval for Chiropractic Clinic.
15. Adjournment

**Next Regular Council Meeting: March 6<sup>th</sup> at 7:30 p.m.**  
**Next Work Session Meeting: March 13<sup>th</sup> at 7:00 p.m.**

February 20, 2008  
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Mayor Mark Powell called the meeting to order at 7:33 p.m.

The Pledge of Allegiance was recited. Opening prayer was a silent prayer in remembrance of those whose lives were lost in the Kirkwood City Hall tragedy earlier this month.

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

**ACCEPTANCE OF THE MINUTES:**

Al Ems moved to accept the minutes of the February 7, 2008 meeting if there are no deletions, errors, or corrections. Seconded by Butch Cooley. Roll call Vote: Ems, yes; Cooley, yes; Vinson, yes; Crisler, yes; Moritz, yes; Brazeal, yes; Amato (excused) Deckman, yes; 7 yeas; motion carried.

**ACCEPTANCE OF THE WARRANTS:**

City Clerk Diane Waller read payroll warrant #1023. Butch Cooley moved to pay payroll warrant #1023 pay period ending February 8, 2008 in the amount of \$228,321.83 if the monies are available. Seconded by Al Ems. Roll call vote: Ems, yes; Cooley, yes; Vinson, yes; Crisler, yes; Moritz, yes; Brazeal, yes; Amato (excused); Deckman, yes; 7 yeas, motion carried.

City Clerk Diane Waller read general warrant #5469. Randy Crisler moved to pay general warrant #5469 in the amount of \$1,224,490.97 if the monies are available. Seconded by Butch Cooley. Roll call vote: Ems, yes; Cooley, yes; Vinson, yes; Crisler, yes; Moritz, yes; Brazeal, yes; Amato (excused); Deckman, yes; 7 yeas, motion carried.

**BUSINESS FROM THE FLOOR**

Mayor stated there would be a Public Hearing for the Foxwood Development prior to the P & Z Meeting on March 11 and added the applicant for Schneider Drive had withdrawn their zoning request at this time. These two items will not be discussed this evening.

Matt Hay, 1135 Airglades, addressed the council regarding Bill #2293 and shared his interpretation of state statute regarding members of legislative bodies carrying concealed weapons.

Faith Welker, 2116 Doe Run, read a prepared statement regarding providing pet photos.

Agenda amended to bring 14 A, Conditional Use/Commercial Site Plan Approval for Chiropractic Clinic at Jeffco and Pleasant Valley to this point in the meeting.

Mary Holden briefly addressed council and there were no questions or objections. Mayor stated it stands approved.

Mayor acknowledged a letter of resignation was received February 15<sup>th</sup> from Treasurer, Scott Gowan. A motion was offered by Al Ems to accept the resignation and he so moved. Seconded by Butch Cooley. Roll call vote: Ems, yes; Cooley, yes; Vinson, yes; Crisler, yes; Moritz, yes; Brazeal, yes; Amato (excused), Deckman, yes; 7 yeas, motion carried.

Agenda amended to move Resolution #08-15 to this point in the meeting.

**RESOLUTION #08-15 A RESOLUTION APPOINTING PAUL FREESE TO FILL AN UNEXPIRED TERM OF CITY TREASURER** was offered by John Brazeal. He then so moved. Seconded by Al Ems. Roll call vote: Ems, yes; Cooley, yes; Vinson, yes; Crisler, yes; Moritz, yes; Brazeal, yes; Amato (excused) Deckman, yes; 7 yeas, motion carried.

City Clerk Diane Waller then swore Mr. Freese in as City Treasurer.

Mayor amended agenda again to allow presentation of the 2007 Annual Audit Report. Finance Director, Deborah Lewis introduced Mr. Mike Williams, a partner with Hochschild, Bloom and Co., LLC. Mr. Williams gave an overview of the highlights and briefly talked about additional reports he had provided.

Bill Moritz thanked him for the thorough presentation and Ms. Lewis stated the audit would be posted on the city's web site soon. Ms. Lewis also wanted to recognize her staff for all their efforts in completing the audit.

## **ORDINANCES**

Bill No. **2293** was discussed. Mr. Vinson offered a motion to amend by adding "except that nothing in this ordinance shall preclude a member of the body holding a valid concealed carry endorsement from carrying a concealed firearm at a meeting of the body which he or she is a member" but it died for a lack of a second.

Bill No. **2293 AN ORDINANCE PERTAINING TO FIREARMS IN CITY BUILDINGS** was read twice by City Clerk Diane Waller. Roll call vote: Deckman, yes; Ems, yes; Cooley, yes; Vinson, no; Crisler, yes; Moritz, yes; Brazeal, yes; Amato (excused); 6 yeas, 1 nay, ordinance passed.

Bill No. **2294 AN ORDINANCE APPROVING A RECORD PLAT TITLED MAXVILLE GARDENS** 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 (excused); 7 yeas, ordinance passed.

### **RESOLUTIONS:**

**RESOLUTION NO. 08-10 A RESOLUTION EXTENDING A CONSTRUCTION CONTRACT WITH DURA SEAL PAVING CONTRACTOR, INC. FOR THE 2008 MILL, MAT, AND ASPHALT OVERLAY STREET REPAIR PROJECT** was offered by Al Ems. He then so moved. Seconded by Joyce Deckman. Roll call vote: Ems, yes; Cooley, yes; Vinson, yes; Crisler, yes; Moritz, yes; Brazeal, yes; Amato (excused); Deckman, yes; 7 yeas. Resolution passed.

**RESOLUTION NO. 08-11 A RESOLUTION EXTENDING A CONSTRUCTION CONTRACT WITH DURA SEAL PAVING CONTRACTOR, INC. FOR THE 2008 CONCRETE STREET REPAIR PROJECT** 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 (excused); 7 yeas, Resolution passed.

**RESOLUTION NO. 08-12 A RESOLUTION EXTENDING A CONSTRUCTION CONTRACT WITH MISSOURI PETROLEUM PRODUCTS COMPANY LLC FOR THE 2008 AGGREGATE SEALCOAT STREET REPAIR PROJECT** was offered by Joyce Deckman. She 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 (excused); 7 yeas. Resolution passed.

**RESOLUTION NO. 08-13 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH GOVERO LAND SERVICES, FOR ENGINEERING SERVICES FOR THE WOODRIDGE STORMWATER PROJECT** was offered by Joyce Deckman. She then so moved. Seconded by John Brazeal. Roll call vote: Ems, yes; Cooley, yes; Vinson, yes; Crisler, yes; Moritz, yes; Brazeal, yes; Amato (excused); Deckman, yes, 7 yeas. Resolution passed.

RESOLUTION NO. **08-14** A RESOLUTION **RE-APPOINTING TODD HAMBY TO SERVE A FOUR-YEAR TERM AS MUNICIPAL JUDGE** was offered by Al Ems. He then so moved. Seconded by John Brazeal. Roll call vote: Ems, yes; Cooley, yes; Vinson, yes; Crisler, yes; Moritz, yes; Brazeal, yes; Amato (excused); Deckman, yes, 7 yeas. Resolution passed.

RESOLUTION NO. **08-16** A RESOLUTION **AUTHORIZING PLANNING AND COMMUNITY DEVELOPMENT SERVICES** was offered by Randy Crisler. He then so moved. Seconded by Butch Cooley. Roll call vote: Ems, yes; Cooley, yes; Vinson, yes; Crisler, yes; Moritz, yes; Brazeal, yes; Amato (excused); Deckman, yes; 7 yeas, Resolution passed.

### **MOTIONS**

A Motion was offered by Al Ems to hold a **closed session** immediately following the city council meeting for the purpose of discussing personnel pursuant to Section 610. 021 (3) ROMs. Seconded by Bill Moritz. Roll call vote: Ems, yes; Cooley, yes; Vinson, yes; Crisler, yes; Moritz, yes; Brazeal, yes; Amato (excused); Deckman, yes; 7 yeas, motion carried.

A motion was offered by Al Ems to authorize a **change order with MSD for the drop structure changes, in the amount of \$662,161.72** to be paid from the proceeds of the MDFB bond. Seconded by Butch Cooley. Roll call vote: Ems, yes; Cooley, yes; Vinson, yes; Crisler, yes; Moritz, yes; Brazeal, yes; Amato (excused); Deckman, yes; 7 yeas, motion carried.

### **NEW BUSINESS/OLD BUSINESS**

Randy Crisler questioned the status of the fence installation by the Foxwood development. Mary Holden responded it is in the process of being installed.

Paul Vinson questioned the e-mail he had provided regarding the possibility of renaming Arnold Tenbrook Road to eliminate the confusion for trucks driving through and causing safety concerns. Discussion followed. Staff directed to take a look at this situation and determine who would be affected, costs, etc. They will review with Sweeney.

### **COMMITTEE REPORTS**

#### **Liquor Committee:**

Bill Moritz reported a meeting was held tonight and then offered a motion to approve the **Intoxicating Liquor in original package and on Sunday for the U Pump, Daily Cheap at 501 Jeffco, Managing Officer, Sharlin M. Patel** Seconded by Joyce Deckman. Roll call vote: Ems, yes; Cooley, yes; Vinson (abstain); Crisler, yes; Moritz, yes; Brazeal, yes; Amato (excused) Deckman, yes; 6 yeas, 1 abstention, motion carried.

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

Ward 4 – Butch Cooley – Thanked street department for the clearing of the roads. Thanked Mary Holden for her help in getting action on Greer Drive.

Ward 1 – Paul Vinson – Indicated his concerns have already been addressed but added he would speak with Jeff Blue on an ADA compliance issue.

Ward 4 – Al Ems – echoed street compliments and referred to the Mo State Road/Old Lemay Ferry lighting issue. This was a dangerous situation and presented a safety concern.

Ward 1 – Randy Crisler – No Report

Ward 2 – John Brazeal - No report

Ward 3 – Joyce Deckman – Thanked Jeff Blue and his department for the excellent work on city streets during snow and ice storms. Also thanked others for the support of the Woodridge storm water project.

Ward 2 – Bill Moritz – No report

Ward 3 - Phil Amato – Excused

#### **ADMINISTRATIVE REPORTS**

Mayor Powell explained the cancelation of the council meeting last week was the first time in 7 years but due to safety concerns with the bad weather, the decision was made to postpone. Clean Stream is this coming weekend and encouraged those that could, to participate.

Matt Unrein – Explained that our annual insurance review has come in. The good scores impacts the insurance costs and they are improving. Thanked everyone for their help in making the city safer and thus reducing insurance costs.

Mr.Unrein reported he has received bids for the signage at the rec center/library/college campus and will be bringing those forward for review.

Reported there is a list (provided to council), of surplus items which he need to be disposed of and he needs a motion to proceed with this action. A motion to authorize the **sale of excess city equipment** was offered by John Brazeal. He then so moved. Seconded by Randy Crisler. Roll call vote: Ems (out of room); Cooley, yes; Vinson, yes; Crisler, yes; Moritz; yes; Brazeal, yes; Amato (excused); Deckman, yes; 6 yeas, motion carried.

Diane Waller – No report

Bob Sweeney – No report

Greg Hall – Gave a brief update on the Ozark Bridge, attorneys now involved, and should have a condemnation ordinance on the next agenda.

Mary Holden – No report

Jeff Blue – No report

Deborah Lewis – No report

Susie Boone – Excused

Chief Shockey – referred to a memo he had provided council this evening with calendar year stats from the Police Department. His officers are making a difference.

Motion to adjourn was offered by Joyce Deckman. Seconded by Al Ems. Voice vote: motion carried.

Meeting adjourned at 8:50 pm

Respectfully submitted,

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City Clerk