

City of Arnold, Missouri

Public Hearing
Council Chambers

January 18, 2007
7:30 P.M.

- A. An Ordinance Amending Ordinance No. 14.89, Bill No. 1103, which Rezoned a Tract of Land in the City of Arnold, Missouri, to C-4 Commercial to Provide for Cellular Towers as a Conditional Use. See Agenda Item No. 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: **January 4, 2007**
5. Acceptance Of Warrants: **Payroll Warrant # 994; General Warrant # 5443**
6. Business From the Floor
7. Ordinances
 - A. Bill No. 2212: An Ordinance Amending Ordinance No. 14.89, Bill No. 1103, which Rezoned a Tract of Land in the City of Arnold, Missouri, to C-4 Commercial to Provide for Cellular Towers as a Conditional Use.**
 - B. Bill No. 2213: An Ordinance Approving a Record Plat Titled "Bluffs at River Crest."**
 - C. Bill No. 2207: An Ordinance Amending the Watershed Stewardship Program.**
8. Resolutions
 - A. None**
9. Motions
 - A. A Motion to Select Bax Engineering for Design Services for Sidewalks.**
 - B. A Motion to Designate Certain Funds for the Purpose of Capital Improvements to the Strawberry Creek Nature Preserve.**

C. A Motion to hold a closed session immediately following the City Council Meeting for the purpose of discussing litigation pursuant to section 610.021, (1), (2), (3), RSMo.

- 11. Old Business
- 12. New Business
- 13. Committee Reports
- 14. Reports from Mayor and Council
- 15. Administrative Reports

A. A Conditional Use Permit for a Wireless Communication Facility.

- 16. Adjournment

Next Regular Council Meeting: February 1st at 7:30 pm

January 12, 2007

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REGULAR MEETING

JANUARY 18, 2007

COUNCIL CHAMBERS

2101 JEFFCO BLVD

7:38 PM

Mayor Mark Powell called the meeting to order at 7:38 p.m. Opening prayer was a silent prayer. Those present per roll call taken by City Clerk Diane Waller: Powell, Venable, Amato (excused, arrived later), Deckman, Ems, Cooley, Vinson, Crisler, Edwards, Unrein, Waller, Holden, McKenzie, Boone, Sweeney, Shockey, Blue, Gowan and Hall.

ACCEPTANCE OF THE MINUTES:

Jim Edwards moved to accept the minutes of the January 7, 2007 meeting if there are no deletions, errors, or corrections. Seconded by David Venable.

Councilman Amato arrived at 7:39 pm.

Paul Vinson noted an error on Page 6 to be corrected as his vote was "no". This had been recorded correctly on the roll sheet but printed incorrectly in the paragraph. This needs to be corrected. Both Edwards and Venable amended their motion.

Roll call vote: Venable, yes; Amato, yes; Deckman, yes; Ems, yes; Cooley, yes; Vinson, yes; Crisler, yes; Edwards, yes, 8 yeas, motion carried.

ACCEPTANCE OF THE WARRANTS:

City Clerk Diane Waller read payroll warrant #994. Randy Crisler moved to pay payroll warrant #994 pay period ending December 29, 2006 (corrected date – warrant indicated 12/15/06) in the amount of \$213,185.73 if the monies are available. Seconded by Butch Cooley. Roll call vote: Venable, yes; Amato, yes; Deckman, yes; Ems, yes; Cooley, yes; Vinson, yes; Crisler, yes, Edwards, yes; 8 yeas, motion carried.

City Clerk Diane Waller read general warrant #5443. Butch Cooley moved to pay general warrant #5443 in the amount of \$540,746.63 if the monies are available. Seconded by Jim Edwards. Roll call vote: Venable, yes; Amato, yes; Deckman, yes; Ems, yes; Cooley, yes, Vinson, yes, Crisler, yes; Edwards, yes; 8 yeas, motion carried.

BUSINESS FROM THE FLOOR:

Brian Waldrop of 3273 Telegraph referred to the Strawberry Creek Preserve and had concerns and questions. He was wondering how the council felt if the projects at the Preserve exceeded the sales tax money collected, if the city would promote extra expenditures.

Mayor responded that the Ad Hoc committee for Strawberry Creek would be addressing issues like this and working towards seeing what can and should be done. He stated city needs a long term plan and welcomes ideas. It is the intent to keep this as a nature park.

Matt Unrein added that he had incorrectly reported about the monies used in acquiring this property but would talk more about this matter later in the meeting.

Cindy Coleman, 3440 Tenbrook, again asked for clarification regarding the Strawberry Creek money.

Mayor stated auditing will address this.

Phil Amato reiterated the money is on the books and it never was a question of where it was, but how it was recorded for accounting purposes. He again stated all money has been accounted for.

Larry Longworth, 733 Vera Drive, spoke of the stormwater issue and who is being charged.

Jim Chellew, 2825 East Springview, spoke, on behalf of the school district, and is opposed to charging stormwater fees to the school district. Suggested the city find another way to fund this.

Norman Moss, 2277 Fawn Drive, talked about the stormwater utility fee being a difficult subject and explained this is a fee and not a tax. He added the city is now mandated to control stormwater and funds are needed in order to comply.

Ron Counts, 1720 East Highview, expressed his feeling that one taxing entity taxing another is just wrong. He feels the City needs to find another funding mechanism.

Kenny Qualls, 417 Keystone, Pastor of First Baptist Church expressed his opposition to the storm water fee being charged to churches.

Mayor Powell recognized Boy Scout Ben Cain of Troop 430 from Fox High School who was in attendance and working on his Communications and Citizenship badges.

ORDINANCES:

Bill #2212 AN ORDINANCE AMENDING ORDINANCE NO. 14.89 BILL NO. 1103, WHICH REZONED A TRACT OF LAND IN THE CITY OF ARNOLD, MISSOURI, TO C-4 COMMERCIAL TO PROVIDE FOR CELLULAR TOWERS AS A CONDITION USE was read twice by City Clerk Diane Waller . Roll call vote: Venable, yes; Amato, yes; Deckman, yes; Ems, yes, Cooley, yes, Vinson, yes; Crisler, yes; Edwards, yes; 8 yeas, ordinance passed.

Bill #2213 AN ORDINANCE APPROVING A RECORD PLAT TITLED “BLUFFS AT RIVER CREST.” was read twice by City Clerk, Diane Waller. Roll call vote: Venable, yes; Amato, yes; Deckman, yes; Ems, yes; Cooley, yes; Vinson, yes; Crisler, yes ; Edwards, yes; 8 yeas, ordinance passed.

Bill #2207 AN ORDINANCE AMENDING THE WATERSHED STEWARDSHIP PROGRAM was discussed and debated at length.

Mayor gave background of the stormwater utility.

Unrein spoke of the most recent proposed changes brought up at the work session.

Attorney Sweeney stated he was uncomfortable if city allows some to be exempt from a utility fee.

Finance Director McKenzie shared the city is seeking grant money to help with stormwater issues but many grants require matching funds and we need the revenue from this utility. She added it is important to plan for the future and if more funds come in than anticipated, fees could always be adjusted and reduced.

Treasurer Gowan made a suggestion to start charging trash fees.

Venable suggested a poll to see how each council member felt about this ordinance.

Mayor questioned attorney as to what would happen if this bill fails. Sweeney again cautioned action of the council.

Crisler reiterated this is a utility fee and not a tax but could be construed as a tax when fees are not uniformly applied.

The suggestion of a poll to see where each councilperson stood on charging not-for-profit entities was brought up again. More discussion.

Cooley stated he would like to see the actual fees that would be charged to the not-for-profit entities before voting.

A motion to table Bill No. 2207 until financial information is provided (regarding fees that could be charged to not-for-profit) was offered by Dave Venable and seconded by Butch Cooley. Roll call vote: Venable, yes; Amato, no; Deckman, no; Cooley, yes; Ems, yes; Vinson, no; Crisler, no, Edwards, no; 5 nays, 3 yeas, motion failed.

Cooley stated he would vote for the ordinance if he had the numbers in front of him.

Venable stated he would be voting "no" since he did not have the spreadsheet in front of him.

Amato asked for a short recess to allow staff to provide the numbers being requested. Mr. Venable did not feel he would have enough time to review if info was provided tonight and was disturbed that staff has not been providing info in a timely manner.

Meeting went into recess at 9:50 and reconvened at 9:55 p.m.

BILL NO. 2207 AND ORDINANCE AMENDING THE WATERSHED STEWARDSHIP PROGRAM was read twice by City Clerk Diane Waller. Roll call vote: Venable, no; Amato, no; Deckman, no; Ems, no; Cooley, no; Vinson, no, Crisler, no, Edwards, yes; Before results are announced, Deckman changes her vote to yes and Crisler changes his vote to yes. 5 nays, 3 yeas, Ordinance failed.

More discussion as to what to do now.

Attorney Sweeney referred to the motion made at the meeting of 11/16/2006 where quarterly sewer billing and storm water billing were billed to residential and commercial accounts but holding off billing of storm water fees for civic, church, schools, and other not for profit accounts. The city will proceed with sanitary sewer billing for all users and bill stormwater fees to commercial and residential. The stormwater billing for not-for-profit will be held until further direction.

Mayor requested moving Item 15A - a Conditional Use Permit for a wireless communication facility to this portion of the meeting. No objections were voiced so it stands approved.

There were no resolutions.

MOTIONS:

A motion to select Bax engineering for design services for sidewalks was discussed. This is for a stretch of Tenbrook Road (see attached aerials)

A motion was offered by Randy Crisler to select Bax Engineering for design services for sidewalks along Tenbrook Road. Seconded by Phil Amato. Roll call vote: Venable, yes; Amato, yes; Deckman, yes; Cooley, yes; Ems, yes; Vinson, yes; Crisler, yes; Edwards, yes; 8 yeas, motion carried.

A motion to designate certain funds for the purpose of constructing capital improvements with the Strawberry Creek Nature Preserve was discussed.

Amato suggested a poll to table until the newly formed committee meets and brings back proposals and costs. He feels this would be financially prudent.

Crisler wants committee to meet but also wants to move forward and designate the money now.

Poll taken to table as Mr. Amato had requested. 3 yeas, 5 nays. This subject not tabled.

Mr. Crisler moved to designate \$31,991.42 for the purpose of funding capital improvement projects within the Strawberry Creek Nature Preserve. Seconded by Paul Vinson. Roll call vote: Venable, yes; Amato, yes; Deckman, yes; Cooley, yes; Ems, no; Vinson, yes; Crisler, yes; Edwards, yes; 7 yeas, 1 nay, motion carried.

Phil Amato moved to hold a closed session immediately following the city council meeting on January 18, 2007 for the purpose of discussing litigation pursuant to section 610.021, (1), (2), (3) RSMo. Seconded by Jim Edwards. Roll call vote: Venable, yes; Amato, yes; Deckman, yes; Cooley, yes; Ems, yes; Vinson, yes; Crisler, yes; Edwards, yes; 8 yeas.

NEW BUSINESS:

There was no new business to discuss.

OLD BUSINESS:

Jim Edwards questioned the status of the Ozark Bridge project.

Matt Unrein replied they are meeting and working on this to get back on track.

COMMITTEE REPORTS:

City Clerk Diane Waller indicated a need for a Liquor Committee meeting and has called a meeting for 7 PM on Thursday, February 1, 2007.

REPORTS FROM MAYOR AND COUNCIL:

Ward 4 – Butch Cooley – Questioned if limbs damaged in recent storms could still be dropped off at the park drop-off location. Mr. Unrein requested we advise residents to hold off until the Spring Brush Program as we did not have that many requests from the recent storm. Mayor stated we may need to bring this back if the need is there.

Ward 1 – Paul Vinson – no report

Ward 4 – Al Ems – Thanked all for the prayers, cards etc during his recent illness.

Ward 1 – Randy Crisler – no report

Ward 2 - Dave Venable – no report

Ward 3 – Joyce Deckman – no report

Ward 2 – Jim Edwards – Welcomed back Mr. Ems

Ward 3 – Phil Amato – Stated he was late as he was attending a special event at Ridgewood School as they were honored for being a top rate school.

ADMINISTRATIVE REPORTS:

Robert Sweeney – No Report

Matt Unrein – No Report

Diane Waller – No Report

Greg Hall – Reported on a service call to council chamber’s P.A. system and how to make it more efficient.

Scott Gowan – No Report

Mary Holden – Reported Fire District now doing permits and inspection as a result of legislation. Also announced they are making progress in their meetings and things are looking positive.

Jeff Blue – No Report

Vivian McKenzie – No Report

Susie Boone – Announced the Rec Center memberships as of 1/15/2006 were 1449 and as of 1/15/2007 are now at 2162.

Chief Shockey – Reported there is new technology that he would like to have for his police cars. This would eliminate the need for the Court staff to have to enter tickets manually, eliminating errors and guesswork. The state bid would be about \$17,000 and he was asking authorization to amend the drug forfeiture fund budget and use drug forfeiture money to purchase this system. This requires a budget adjustment. Al Ems moved to authorize the use \$17,000 of drug forfeiture money to purchase this new system for use in the police cars. Seconded by Phil Amato. Roll call vote: Venable, yes; Amato, yes; Deckman, yes; Cooley, yes; Ems, yes; Vinson, yes; Crisler, yes; Edwards, yes; 8 yeas, motion carried.

Jim Edwards moved to adjourn. Seconded by Al Ems. Voice vote: motion carried.

The meeting adjourned at 9:27 p.m.

Respectfully submitted,

CityClerk