

City of Arnold, Missouri

**Work Session
Council Chambers**

**July 10, 2008
7:30 p.m.**

Agenda

1. Park & Leisure Service Board Discussion
2. Other

**Public Hearing
Council Chambers**

Immediately Following the Work Session

- A. An Ordinance Approving a Record Plat Titled "Lot Split Plat of Lot 3 or Arnold Commons Plat Two." See Agenda Item No. 7A.**
- B. An Ordinance Amending Bill No. 2195, Ordinance No. 14.395 Which Rezoned a Tract of Land in the City of Arnold, Missouri, Identified as Arnold Commons Relating to Uses and Height. See Agenda Item No. 7B.**

**Council Meeting
Council Chambers**

Immediately Following the Public Hearing

Agenda

1. Pledge of Allegiance
2. Opening Prayer
3. Roll Call
4. Acceptance Of Minutes: **June 19, 2008**
5. Acceptance Of Warrants: **Payroll Warrant #1032 - General Warrant #5478**
6. Business From the Floor
7. Ordinances
 - A. Bill No. 2310:** An Ordinance Approving a Record Plat Titled "Lot Split Plat of Lot 3 or Arnold Commons Plat Two."
 - B. Bill No. 2311:** An Ordinance Amending Bill No. 2195, Ordinance No. 14.395 Which Rezoned a Tract of Land in the City of Arnold, Missouri, Identified as Arnold Commons Relating to Uses and Height.
 - C. Bill No. 2312:** An Ordinance Amending Chapter 11 Regarding Residential Solid Waste Containers.
8. Resolutions
 - A. Resolution No. 08-38:** A Resolution Appointing James Edwards to the Building Appeals Board.

B. Resolution No. 08-39: A Resolution Appointing Andrew Sutton to the Building Appeals Board.

9. Motions

A. A Motion to Accept the Proposal for a Comprehensive Sewer Rate & Fee Study.

B. A Motion to Hold a Closed Session Immediately Following the City Council Meeting for the Purpose of Discussing Litigation RSMo §610.021.

C. A Motion to Award a Bid for Replacement Carpeting.

D. A Motion to Award a Bid for Trenchless Sewer Reconstruction.

10. New Business

11. Old Business

12. Committee Reports

13. Reports from Mayor and Council

14. Administrative Reports

15. Adjournment

Next Regular Council Meeting: July 17th at 7:30 p.m.

REGULAR MEETING

July 10, 2008

COUNCIL CHAMBERS

2101 JEFFCO BLVD

8:05PM

Mayor Mark Powell called the meeting to order at 8:05 p.m.

The Pledge of Allegiance was recited.

Opening Prayer was a moment of silence, recognizing 4th of July and honoring those that have allowed us to continue to enjoy our freedom in the United States.

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

ACCEPTANCE OF THE MINUTES:

Al Ems moved to accept the minutes of the June 19, 2008 meeting if there are no deletions, errors, or corrections. Seconded by Randy Crisler. Roll call vote; Poor, yes; Crisler, yes; Hay, yes; Ems, yes; Cooley, yes; Amato, yes; Deckman, yes; Moritz, yes; 8 yeas, motion carried.

ACCEPTANCE OF THE WARRANTS:

City Clerk Diane Waller read payroll warrant #1032. Joyce Deckman moved to pay payroll warrant #1032 pay period ending June 13, 2008 in the amount of \$235,367.40 if the monies are available. Seconded by Randy Crisler. Roll call vote: Poor, yes; Crisler, yes; Hay, yes; Ems, yes; Cooley, yes; Amato, yes; Deckman, yes; Moritz, yes; 8 yeas, motion carried.

City Clerk Diane Waller read general warrant #5478. Butch Cooley moved to pay general warrant #5478 in the amount of \$689,998.30 if the monies are available. Seconded by Joyce Deckman. Roll call vote: Poor, yes; Crisler, yes; Hay, yes; Ems, yes; Cooley, yes; Amato, yes; Deckman, yes; Moritz, yes; 8 yeas, motion carried.

Mayor Powell recognized Boy Scouts attending the meeting. The following Scouts from Immaculate Conception Troop #419 were present: Sam Hughes, Jacob Hughes, Nick Matt and Brady Politte. Another Scout, Jake Nowicki from the VFW Troop 557 was also in attendance. They were all working towards their Citizen of the Community badges. Audience and council applauded.

BUSINESS FROM THE FLOOR

Mayor Powell explained how the ordinances allow guests to speak for 3 minutes on any topic but must identify themselves and state their address.

Mr. Rodgers, 861 Morningside, talked about a neighbor experiencing boys jumping her fence and she was concerned as she has a dog in the yard who bites and was worried about the legal aspects should something happen. Chief Shockey and Attorney Sweeney will meet with Mr. Rodgers after the meeting regarding this.

Rachel Montgomery, representing the Arnold Jaycees, addressed council regarding the arrangement the Jaycees have with the city allowing them to provide the concerts and in return sell alcohol in that area of the park and resulting issues with this situation.

Council member Poor asked to see the actual agreement and there is confusion as to who has it, or if there is an actual document.

Bernie Wilde, 3533 Swan Circle South, posed questions regarding policy at the Arnold Community Center. She stated she would like to book the facility more often, farther in advance, and was advised each quarter reservations could be made.

Parks Director Susie Boone, addressed this by stating this has always been the policy and doing it quarterly opened it up for more public use. One person or organization could not then book it for the entire year, limiting it for others to use.

Mayor advised this policy would be reviewed.

Cindy Coleman, 34450 Tenbrook, had questions regarding the park and asked if it could be sold, in whole or part

Attorney Sweeney responded it would take council action to do anything like this and if she was referring specifically to Strawberry Creek there are more restrictive regulations because of the way that purchase took place etc.

Joyce Deckman added she thought if the city ever sold park land, there was a requirement that if something was sold, another piece of property would have to replace it.

Bob Lindsley, 1182 Jere Lane, a former Park Board member, questioned why his input was not being considered in the current park board decisions. Questioned why Park Board minutes had not been ever provided to council so they could view what the board had done in the past. He felt the board did more than they are being given credit for.

Jerel Poor left the dais at 8:23 pm.

ORDINANCES

BILL NO. 2310 AN ORDINANCE APPROVING A RECORD PLAT TITLED “LOT SPLIT PLAT OF LOT 3 OR ARNOLD COMMONS PLAT TWO” was read twice by City Clerk Diane Waller. Roll call vote: Poor (recused); Crisler, yes; Hay, yes; Ems, yes; Cooley, yes; Amato, yes; Deckman, yes; Moritz, no; 6 yeas, 1 nay, 1 recused, ordinance passed.

BILL NO. 2311 AN ORDINANCE AMENDING BILL NO. 2195, ORDINANCE NO. 14.395 WHICH REZONED A TRACT OF LAND IN THE CITY OF ARNOLD, MISSOURI, IDENTIFIED AS ARNOLD COMMONS RELATING TO USES AND HEIGHT was read twice by City Clerk Diane Waller.

Mat Hay requested this ordinance be tabled. There was no official motion or second no action took place on the tabling.

Roll call vote: Poor, (recused); Crisler, yes; Hay, no; Ems, yes; Cooley, yes; Amato, yes; Deckman, yes; Moritz, no, 5 yeas, 2 nays, 1 recused, ordinance passed.

Jerel Poor returned to his seat on the dais.

Bill Moritz left chambers at 8:32 and returned 8:35 pm

BILL #2312 AN ORDINANCE AMENDING CHAPTER 11, GARBAGE, TRASH AND REFUSE, DIVISION II, COLLECTION, 11-42 AND 11-45 AND CHAPTER 12 HEALTH AND SANITATION, ARTICLE IV, GENERAL NUISANCES, 12-53 OF THE CITY OF ARNOLD CODE OF ORDINANCE REGARDING RESIDENTIAL SOLID WASTE CONTAINERS was read twice by City Clerk, Diane Waller.

Much discussion followed. A **poll** was taken to change the time frame to have the **containers removed by noon following the day of collection** rather than midnight the day of collection. Poll results: 8 yeas, 0 nays. This changed will be reflected in ordinance.

Roll call vote **on Bill #2312 with above change**: Poor, yes; Crisler, no; Hay, yes; Ems, yes; Cooley, yes; Amato, yes; Deckman, yes; Moritz, yes; 7 yeas, 1 nays, ordinance passed.

Note: Randy Crisler voted no because he doubted the ability for the ordinance to be enforced.

RESOLUTIONS

RESOLUTION NO. 08-38 A RESOLUTION APPOINTING **JAMES EDWARDS TO THE BUILDING APPEALS BOARD FOR A ONE YEAR TERM** was offered by Al Ems and he so moved. Seconded by Phil Amato. Roll call vote: Poor, yes; Crisler, yes; Hay, yes; Ems, yes; Cooley, yes; Amato, yes; Deckman, yes; Moritz, yes, 8 yeas, resolution passed.

RESOLUTION NO. 08-39 A RESOLUTION APPOINTING **ANDREW SUTTON TO THE BUILDING APPEALS BOARD FOR A ONE-YEAR TERM** was offered by Butch Cooley and he so moved. Seconded by Randy Crisler. Roll call vote: Poor, yes; Crisler, yes; Hay, yes; Ems, yes; Cooley, yes; Amato, yes; Deckman, yes; Moritz, yes; 8 yeas, resolution passed.

MOTIONS

A motion to accept the proposal for a **comprehensive sewer rate and fee study** was discussed. Randy Crisler offered a motion to accept the low bidder's proposal for a comprehensive sewer rate and fee study and authorize the Mayor to execute a professional services agreement with **Municipal and Financial Services Group** in the amount of **\$29,500.00** and then so moved. Seconded by Jerel Poor. Roll call vote: Poor, yes; Crisler, yes; Hay, yes; Ems, yes; Cooley, yes; Amato, yes; Deckman, yes; Moritz, yes; 8 yeas, motion carried.

A motion to hold a closed session immediately following the council meeting for the purpose of discussing **litigation RSMo 610.021** was offered by Bill Moritz and he so moved. Seconded by Joyce Deckman. Roll call vote: Poor, yes; Crisler, yes; Hay, yes; Ems, yes; Cooley, yes; Amato, yes; Deckman, yes; Moritz, yes; 8 yeas, motion carried.

A motion to award a bid to purchase **replacement carpeting for City Hall** was discussed. Phil Amato stated he felt the city should tighten our belts and with the economy as it is, not spend money for carpeting at this time. Chief Shockey stated there is carpeting on the Police side that is so bad it is held together with duct tape and is an accident waiting to happen. Matt Hay suggested do only what is absolutely necessary from a safety standpoint at this time while Mr. Crisler felt carpeting would not get any cheaper and replacement should be done now. Randy Crisler offered a motion to award a bid for the **purchase and installation of carpet to Floor Tech Installation** in the amount **not to exceed \$18,424.94** and then so moved. Seconded by Joyce Deckman. Roll call vote: Poor, yes; Crisler, yes; Hay, no; Ems, yes; Cooley, yes; Amato, no; Deckman, yes; Moritz, no; 5 yeas, 3 nays, motion carried.

A motion regarding Trenchless Reconstruction of Sanitary Sewer Services was discussed. Mr. Poor questioned why city was not going out for bid. Mr. Blue explained how the city has used this process in the past and participated in a cooperative purchasing agreement.

A motion was offered by Matt Hay **to go out for bid**. Seconded by Jerel Poor. Roll call vote: Poor, yes; Crisler, no; Hay, yes, Ems, no; Cooley, no; Amato, yes; Deckman, no; Moritz, no; 3 yeas, 5 nays, **motion failed**.

Randy Crisler offered a motion to participate in the cooperative bid and select **Insituform Technologies USA** to provide **Trenchless Reconstruction of sanitary sewer services** in the amount of **\$58,136** and then so moved. Seconded by Al Ems. Roll call vote: Poor, no; Crisler, yes; Hay, no; Ems, yes; Cooley, yes; Amato, no; Deckman, yes; Moritz, yes; 5 yeas, 3 nays, motion carried.

NEW BUSINESS - OLD BUSINESS

Mayor asked that the Jaycee alcohol policy be discussed at a work session as he feels city should have a policy in place.

COMMITTEE REPORTS

There were no committee reports.

REPORTS FROM MAYOR AND COUNCIL

Ward 4 – Butch Cooley – Shared the upcoming car show plans are coming along just great but needed more flyers.

Ward 1 – Matt Hay – No Report

Ward 4 – Al Ems – Stated it would be nice if the fireworks ordinances were observed referring to the hours they are shot off.

Ward 1 – Randy Crisler – Reported on a meeting regarding a speed table for Emil Drive and will be coming forward with some ideas soon.

Ward 2 – Jerel Poor - No Report

Ward 3 – Joyce Deckman – No Report

Ward 2 – Bill Moritz – Reported there is some resistance with the Fire Department regarding the speed control sawhorses.

Ward 3 – Phil Amato – Stated he arrived late this evening because he had been attending a Charter meeting for the County. Complemented those individuals who are working on the charter and spoke very highly of them.

ADMINISTRATIVE REPORTS

Mayor Powell – Reported sales at the new Steak n Shake were the highest in the nation for their first week.

Attorney Bob Sweeney – No Report

Matt Unrein – No Report

Diane Waller – No Report

Greg Hall – Reported 771 tickets have been sold for Merle Haggard and they just went on sale yesterday. Series ticket sales begin Monday.

Mary Holden - Stated she would be submitting to the MML for recognition and possibly award for the Shared agreement with the Fire Department and City on inspections.

Phil added the city has been very innovative and again thanked previous Administrators for flood proofing the city. FEMA has recognized Arnold for their activities in buying out flooded properties and setting an example for other cities to follow.

Jeff Blue – No Report

Deborah Lewis – No Report

Susie Boone - Thanked Bill Moritz for his aerial photos of the flooding and provided updates on how the flood impacted city park and golf course and plans to clean up.

Chief Shockey – No Report

Motion to adjourn was offered by Al Ems.

Page 7
Regular meeting
July 10, 2008

Seconded by Joyce Deckman. Voice vote: all yeas.

Meeting adjourned at 9:15 PM.

Respectfully submitted.

City Clerk