

City of Arnold, Missouri

Council Meeting
Council Chambers

July 11, 2013
7:00 p.m.

Amended Agenda

1. Pledge of Allegiance:
2. Opening Prayer: Oasis Church – Rev. Mike Costello
3. Roll Call:
4. Acceptance of Minutes: **June 20, 2013 & Emergency Meeting June 27, 2013**
5. Acceptance of Warrants: **Payroll Warrant #1163- General Warrant #5598**
6. Business From the Floor:
7. Ordinances:
 - A. **Bill No. 2552:** An Ordinance Amending Chapter 2, Article III of the Code of Ordinances relating to the Office of City Clerk.
 - B. **Bill No. 2553:** An Ordinance Amending Chapter 2, Article IV of the Code of Ordinances.
8. Resolutions:
 - A. **Resolution No. 13-26:** A Resolution Authorizing the Mayor to Enter into a Contract with Gerstner Electric, Inc. to Provide Traffic Signals and Street Light Maintenance and Repair Services for the City of Arnold.
 - B. **Resolution No. 13-27:** A Resolution Authorizing the Mayor to Enter into a Contract with J. H. Berra Construction Company, Inc. to Provide Sanitary Sewer Repair & Replacement Services for the City of Arnold.
 - C. **Resolution No. 13-28:** A Resolution Authorizing the Mayor to Enter into a Contract with the J. H. Berra Construction Company, Inc. to Undertake the Jere Lane Storm Water Improvements Project for the City of Arnold.
 - D. **Resolution No. 13-29:** A Resolution Exempting the Two Detention Basins in Magnolia Place Subdivision, owned by the Magnolia Place Subdivision Property Owners Association from Chapter 12, Article II, Section 12, Weeds and Other Noxious Matter.
 - E. **Resolution No. 13-30:** A Resolution Authorizing Execution of Assignment of the Use of a Utility Easement to Richardson Place Villas LP.
9. Motions:

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 18, 2013 at 7:00 p.m.
Next Work Session July 11, 2013 Following the City Council Meeting**

July 8, 2013
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Mayor Ron Counts called the meeting to order at 7:00 pm.

The Pledge of Allegiance was recited.

Rev. Mike Costello from Oasis Church offered the opening prayer.

Those present per roll call taken by City Clerk Diane Waller: Mayor Counts, Moss, Crisler (excused), Cooley, Amato, Freese, Hohmeier, Coleman, Fulbright, Shockey, Waller, Holden, Lewis, Sweeney, Boone, Blattner, Kroupa and Hall.

ACCEPTANCE OF MINUTES

Paul Freese made **a motion to approve the minutes from the June 20, 2013 meeting** and so moved. Seconded by Michelle Hohmeier. Roll call vote: Moss, yes; Crisler, (excused); Cooley, yes; Amato, yes; Freese, yes; Hohmeier, yes; Coleman, abstain; Fulbright, yes; 6 yeas; 1 abstention; **Motion carried.**

Jason Fulbright **made a motion to approve the minutes from the emergency meeting June 27, 2013** and so moved. Seconded by Mary Elizabeth Coleman. Roll call vote: Moss, yes; Crisler (excused); Cooley, yes; Amato, yes; Freese, yes; Hohmeier, yes; Coleman, yes; Fulbright, yes; 7 yeas; **Motion carried.**

ACCEPTANCE OF WARRANTS:

City Clerk Diane Waller read Payroll Warrant #1163. Butch Cooley made **a motion and moved to pay Payroll Warrant #1163 in the amount of \$259,403.50.** Seconded by Paul Freese. Roll call vote: Moss, yes; Crisler (excused) Cooley, yes; Amato, yes; Freese, yes; Hohmeier, yes; Coleman, yes; Fulbright, yes; 7 yeas; **Motion carried.**

City Clerk Diane Waller read General Warrant #5598. Mary Elizabeth Coleman made **a motion and moved to pay General Warrant #5598 in the amount of \$712,585.15 if monies are available.** Seconded by Butch Cooley. Roll call vote: Moss, yes; Crisler (excused); Cooley, yes; Amato, yes; Freese, yes; Hohmeier, yes; Coleman, yes; Fulbright, yes; 7 yeas, **Motion carried.**

BUSINESS FROM THE FLOOR

Mayor explained the procedure to speak that is set by ordinance and the need to provide speaker cards.

Mr. Brandt Schmitz, owner of his family's Dry Cleaning business located at 944 Jeffco addressed the council. He wanted to state publicly that he nor anyone in his organization has had any involvement with the grievances in the past with Doris Borgelt and Anthony Burgio. However, he is experiencing ongoing serious issues with the Anthony Burgio business located next door to him. He stated the clientele for that business is causing parking issues and there is not adequate parking so they are using his lot and elaborated on some of these parking lot problems. He asked the city look into this.

Chief advised him to call the police department and they will come out.

Mr. Bill Moritz, 3167 Theodore, recognized City Clerk Diane Waller's work in the city. He also read a prepared statement (see attached) regarding Resolution 13-29.

ORDINANCES

BILL NO. 2552 – AN ORDINANCE AMENDING CHAPTER 2, ARTICLE III OF THE CODE OF ORDINANCES RELATING TO THE OFFICE OF CITY CLERK was read twice by City Clerk Diane Waller. Roll call vote: Moss, yes; Crisler (excused); Cooley, yes; Amato, yes; Freese, yes; Hohmeier, yes; Coleman, yes; Fulbright yes; 7 yeas, **Ordinance passed.**

BILL NO. 2553 – AN ORDINANCE AMENDING CHAPTER 2, ARTICLE IV OF THE CODE OF ORDINANCES was read twice by City Clerk Diane Waller. Roll call vote: Moss, yes; Crisler (excused); Cooley, yes; Amato, yes; Freese, yes; Hohmeier, yes; Coleman, yes; Fulbright, yes; 7 yeas. **Ordinance passed.**

RESOLUTIONS

RESOLUTION NO. 13-26 – A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH GERSTNER ELECTRIC, INC. TO PROVIDE TRAFFIC SIGNAL AND STREET LIGHT MAINTENANCE AND REPAIR SERVICES FOR THE CITY OF ARNOLD

Mary Elizabeth Coleman made a motion to approve and so moved. Seconded by Michelle Hohmeier. Roll call vote: Moss, yes; Crisler (excused); Cooley, yes; Amato, yes; Freese, yes; Hohmeier, yes; Coleman, yes; Fulbright, yes; 7 yeas, **Resolution passed.**

RESOLUTION NO. 13-27 – A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH J. H. BERRA CONSTRUCTION COMPANY, INC. TO PROVIDE SANITARY SEWER REPAIR AND REPLACEMENT SERVICES FOR THE CITY OF ARNOLD

Butch Cooley made a motion and so moved. Seconded by Michelle Hohmeier. Roll call vote: Moss, yes; Crisler (excused); Cooley, yes; Amato, yes; Freese, yes; Hohmeier, yes; Coleman, yes; Fulbright, yes; 7 yeas, **Resolution passed.**

RESOLUTION NO. 13-28 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE J. H. BERRA CONSTRUCTION COMPANY, INC. TO UNDERTAKE THE JERE LANE STORM WATER IMPROVEMENTS PROJECT FOR THE CITY OF ARNOLD

Paul Freese made a motion and so moved. Seconded by Phil Amato. Roll call vote: Moss, yes; Crisler (excused); Cooley, yes; Amato, yes; Freese, yes; Hohmeier, yes; Coleman, yes; Fulbright, yes; 7 yeas, **Resolution passed.**

RESOLUTION NO. 13-29 A RESOLUTION EXEMPTING THE TWO DETENTION BASINS IN MAGNOLIA PLACE SUBDIVISION, OWNED BY THE MAGNOLIA PLACE SUBDIVISION PROPERTY OWNERS ASSOCIATION FROM CHAPTER 12, ARTICLE II, SECTION 12, WEEDS AND OTHER NOXIOUS MATTER

There was much discussion on this subject.

Butch Cooley questioned the procedure. Mr. Davis was allowed to speak (no objection from council was voiced). Mr. Davis explained the buffalo grass would be on the sides and would eliminate the erosion, explaining it will still need to be cut about twice a year.

Michelle Hohmeier questioned the placement of the buffalo grass on the sides only and expressed concern that other more aggressive grasses could choke it out and take over, resulting in the weeds and high grass problem again.

Council was advised a lawn service would be installing the buffalo grass so it will be well established.

Phil Amato stated he was uncomfortable allowing this action as there are many other subdivisions with detention basins and they too will be asking for some type of relief. He indicated he can't support this.

Mary Elizabeth Coleman asked if staff fully supported this exemption and Mary Holden acknowledged they do.

Paul Freese also shared his concerns for other detention basins if this is allowed.

Mary Holden added that she is in support and explained the detention basin in question is otherwise fine. However, the steepness of the slope plays into the exemption.

Butch Cooley expressed his support of the exemption and feels they should be allowed to use the buffalo grass.

Paul Freese voiced his concern of allowing this only for this subdivision, suggested the city change the ordinance.

Mr. Moss also voiced his concerns if buffalo grass did not suppress the weeds.

Mary Holden advised the resolution does still require keeping weeds cut.

Mr. Moss indicated he would like to amend.

Mary Elizabeth stated as a point of order, the resolution had not yet been read, therefore no amendment.

Michelle Hohmeier expressed her concerns of waiving some of the ordinance requirements.

Dan Kroupa left the chamber at 7:40 and returned at 7:43 pm.

Phil Amato wanted a motion to table. No second.

Again point of order.

Phil Amato made a motion to pull from agenda. Seconded by Paul Freese.
Roll call vote: Moss, no; Crisler (excused); Cooley, no; Amato, yes; Freese, yes;
Hohmeier, no; Coleman; no; Fulbright, no; 2 yeas, 5 nays, **Motion fails.**

Mr. Davis again addressed council and assured them they know they will still maintain and keep up the detention basis.

Resolution read by City Clerk.

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Mary Elizabeth Coleman made a **motion to amend** to add “but must maintain all other growths to an 8 inch maximum”. Ken Moss seconded the motion. Roll call vote: Moss, yes; Crisler (excused); Cooley, yes; Amato, yes; Freese, no; Hohmeier, yes; Coleman, yes; Fulbright, yes, 6 yeas, 1 nay, **Motion carried.**

Mary Elizabeth Coleman made a **motion to approve the resolution as amended.** Seconded by Ken Moss. Roll call vote: Moss, yes; Crisler (excused); Cooley, yes; Amato, no; Freese, no; Hohmeier, no; Coleman, yes; Fulbright, yes, 4 yeas, 3 nays; Motion **carried.**

RESOLUTION NO. 13-30 A RESOLUTION AUTHORIZING EXECUTION OF ASSIGNMENT OF THE USE OF A UTILITY EASEMENT TO RICHARDSON PLACE VILLAS LP

Mary Elizabeth Coleman made a motion and so moved. Seconded by Jason Fulbright. Roll call vote: Moss, yes; Crisler (excused); Cooley, yes; Amato, yes; Freese, yes; Hohmeier, yes; Coleman, yes; Fulbright, yes; 7 yeas, **Resolution passed.**

MOTIONS

None

NEW BUSINESS

Butch Cooley reported he had met with residents in Arnold Terrace regarding their severe storm water problems. He would like to see more money and more people budgeted for these kinds of projects. He requested Ed and Tom take a look at that situation in Arnold Terrace.

Phil Amato questioned Ed Blattner if the Clean Water Commission storm water grant money has dried up and Mr. Blattner acknowledged it has.

Mary Elizabeth Coleman reported trustees from Rosedale have questioned if there was a possibility of a sound barrier along 55. Chief reported he had dealt with this in the past qualifications are not met. Mary Holden also reaffirmed this.

Mr. Amato shared his attempts trying to get sound barriers in the past and indicated there are no sound barriers in Jefferson County by MoDot and spoke briefly about that.

Paul Freese requested city staff talk to Judy Wagner and Mary Holden offered to do that.

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Michelle Hohmeier had questions regarding the Gold Buyer by the Dry Cleaners on Jeffco and Chief asked if he could talk with her privately.

She also questioned if Mr. Sweeney's bills could be done differently by case number and time devoted to each case. He indicated he could, it would be more complicated and cost the city more.

Mary Elizabeth Coleman reaffirmed his statement since she too is an attorney.

OLD BUSINESS

Michelle Hohmeier voiced she had been getting complaints on the audio portion of our videos being difficult to hear.

Mayor acknowledged a different mic could be used but it will be costly.

Chief advised everyone to make an effort to speak into the mic.

Greg Hall informed everyone that Deion Christopher is investigating options to improve our system.

COMMITTEE REPORTS

Ken Moss shared there will be a Jefferson County Veteran's Tribute dinner/auction on 9/14/13 to raise funds. He shared some details but more will be coming.

Dan Kroupa shared that he and Dan Bish had attended the Jefferson County Economic Development Corporation meeting. He received the county's sales tax information and happily reported on our sales tax being up again, stating Arnold is the economic engine of Jefferson County.

Phil Amato reported on the Veterans Committee, stating it has been having good productive meetings.

REPORTS FROM MAYOR & COUNCIL

Mayor Ron Counts – Thanked Susie Boone and her staff for the wonderful 4th of July celebration. He was not in attendance but had many complimentary remarks. Also reported on some activities involving the Farmers' Market where Erb Equipment and a BBQ will be there. He shared his experience attending the huge Farmers Market in Kansas City.

Ward 4 – Ken Moss – No Report

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Ward 1 – Randy Crisler - Excused

Ward 3 – Paul Freese – Updated everyone on the Tenbrook sidewalk stating RFQ will be advertised tomorrow.

Ward 4 – Butch Cooley – No Report

Ward 2 – Mary Elizabeth Coleman – Thanked Susie Boone and Chief and their staffs for the 4th of July event and traffic flow. Also thanked Jason Fulbright for allowing face time and was able to listen in during the last meeting.

Ward 3 – Phil Amato – Complimented the Parks staff for the 4th of July celebration and their hard work in preparing the park in such time because of the flood. Invited everyone to attend the Food Pantry fund raiser “Taste of Arnold’ coming up July 25.

Ward 1 – Jason Fulbright – Echoed the complimentary 4th of July remarks adding the park celebration was impressive and he enjoyed it.

Ward 2 – Michelle Hohmeier – No Report

ADMINISTRATIVE REPORTS

Chief Robert Shockey – No Report

City Clerk Diane Waller – Announced the Municipal services bills should go in the mail tomorrow, provided we have no more equipment challenges.

Susie Boone – Spoke highly of the fireworks on the 4th. Provided an update on park and rec activities. Announced the dates for the indoor pool and rec center closings for yearly cleaning and maintenance. Asked for a motion to offer discounted memberships in August, reducing them by 15%.

Mr. Cooley offered the motion. It was seconded by Paul Freese.

Mr. Amato interjected point of order, we can't spend money if it is not on agenda.

Mr. Sweeney advised this action cannot happen this evening as it must be advertised to be done legally.

Both the motion and the second were then withdrawn.

Mary Holden – No report

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Ed Blattner – Reported Judy Drive is under construction. Work will begin Monday on Fox Ridge and asphalt work hopefully the 22nd.

Attorney Sweeney – Reported city has received another lawsuit (Burgio) where he has sued the City of Arnold because of certain activities engaged in by a former council member. The crux of the lawsuit indicated a civil rights violation and MIRMA is accepting the defense.

Deb Lewis – No report

Greg Hall – Provided an update on Tourism activities relating to budget. They now have a positive balance. Partnering has helped this.

Chief added council had received an email regarding a situation on Indian Rock and the city crews are there working on this situation.

Mr. Moss reported he had received a complimentary email acknowledging the city efforts on Indian Rock. They appreciated the efforts going on.

A motion to adjourn meeting was made by Mary Elizabeth Coleman. Seconded by Jason Fulbright. Voice Vote: all yeas.

Meeting adjourned at 8:15 pm.


City Clerk Diane Waller

To the Arnold City Council-

RESOLUTION 13-27

11 July 2013

I recommend against granting a waiver to the weed cutting ordinance for Magnolia Place subdivision's two detention basins. One of the basins is adjacent to the back yards of at least eight homes on Lamp Post Lane and Lamp Post Court. The other basin is much smaller and is adjacent to the back yards of three homes on Lamp Post Lane and the side of another house on Melton. I have all kinds of information on these basins as the trustees in this subdivision had been on me for six years to get something done about improving the basins. They were on Jim Edwards and David Venable about them before that. The two things I was able to have changed was to get Public Works to install a preventive barrier to keep kids out of the storm water drain structure in the big basin and to fix the smashed drain in the bottom of that basin. The principle objectionable features of the drain basin are the large rocks and irregular terrain in the sides and bottoms of the basins and the exposed boulders in the big basin. They make mowing impossible because the mower blades will contact the rocks. The only way to cut the grass is with weed eaters. Even a brush hog was not practical because of the rocks.

This basin was poorly constructed and was approved by the city under older guidelines when the Magnolia Place subdivision was completed. Fortunately those guidelines no longer exist or so I was advised. The drop-off resulting from the huge exposed boulders that were stacked to make the side wall nearest the homes has always posed a safety concern for the adjacent residents for their children's safety. Those boulders should have been covered and the grade sloped properly. The dead trees around the basin should have been taken down at the builder's expense before the city accepted the project. The drain in the small basin even runs upgrade. How is that even supposed to drain properly? These issues have been an ongoing complaint by the subdivision association to the city staff and ward 2 councilmen. Several supporting documents are in the possession of the trustees and if required, they are available for review.

In my opinion, the best fix for the basins is for someone to go in and regrade the basins, primarily the big one, and make them mowable. To ignore that problem and say it is okay for the weeds in the basins to grow unchecked will result in an attractive nuisance and then who takes responsibility? The objective of the weed cutting ordinance was to help prevent vermin of the four-legged and two-legged variety from doing their work. Community Development, Public Works, and the Arnold Police Department are aware of the thefts that occurred at *a resident's* house on Richardson Road. The house is directly across from the entrance to Magnolia Place Subdivision. Last summer when the weeds on the empty lot in Richardson Glen subdivision adjacent to their home were allowed to grow unchecked, thieves stole tools and equipment from the work truck of *our neighbor* and they took refuge in those weeds. We know that is what happened as that was where several tools were found and recovered. I forwarded her complaint to Community Development and the weeds were removed. There have been no further incidents of theft from there. The however to asking that the city make this detention basin both serviceable and maintainable is that there could be a precedent set in which the city repairs an existing storm water basin. In my opinion, allowing the grass and weeds to grow unchecked is a short term solution that is not sustainable. The basin needs to be finish graded properly so can be maintained properly. Now let's figure out how to get it done.

A short term allowance on weed height is probably WORKABLE SO LONG AS IT IS NOT TOO LONG AND THE WEEDS ARE NOT TOO HIGH.

Bill Moritz

3167 Theodore

Arnold MO

Ward 2 resident

CITY OF ARNOLD, MISSOURI

ROLL CALL

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BILL NO - RESOLUTION - MOTION

	ROLL CALL	6/20/2013 MINUTES	6/27/2013 EMERGENCY MEETING	PAYROLL WARRANT NO. 1163	GENERAL WARRANT NO. 5598	BILL NO. 2552
COUNCIL MEMBERS:						
MAYOR <u>RON COUNTS</u>	PRESENT					
COUNCIL: <u>KEN MOSS</u>	PRESENT	YES	YES	YES	YES	YES
COUNCIL: <u>RANDY CRISLER</u>	EXCUSED	EXCUSED	EXCUSED	EXCUSED	EXCUSED	EXCUSED
COUNCIL: <u>BUTCH COOLEY</u>	PRESENT	YES	YES	YES	YES	YES
COUNCIL: <u>PHIL AMATO</u>	PRESENT	YES	YES	YES	YES	YES
COUNCIL: <u>PAUL FREESE</u>	PRESENT	YES	YES	YES	YES	YES
COUNCIL: <u>MICHELLE HOHMEIER</u>	PRESENT	YES	YES	YES	YES	YES
COUNCIL: <u>MARY ELIZABETH COLEMAN</u>	PRESENT	ABSTAIN	YES	YES	YES	YES
COUNCIL: <u>JASON FULBRIGHT</u>	PRESENT	YES	YES	YES	YES	YES
INTERIM ADMINIS TRATOR/ CHIEF OF POLICE <u>BOB SHOCKEY</u>	PRESENT					
CITY CLERK <u>DIANE WALLER</u>	PRESENT					
COM DEV DIR: <u>MARY HOLDEN</u>	PRESENT					
FINANCE DIR: <u>DEBORAH LEWIS</u>	PRESENT					
CITY COUNSELOR <u>BOB SWEENEY</u>	PRESENT					
			PARKS DIR:	<u>SUSIE BOONE</u>		PRESENT
			PUBLIC WORKS:	<u>ED BLATTNER</u>		PRESENT
			TREASURER:	<u>DAN KROUPA</u>		PRESENT
			DIR. OF ADMIN.	<u>GREG HALL</u>		PRESENT

CITY OF ARNOLD, MISSOURI

ROLL CALL

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BILL NO - RESOLUTION - MOTION

		BILL NO. 2553	RESOLUTION NO. 13-26	RESOLUTION NO. 13-27	RESOLUTION NO. 13-28	MOTION TO PULL RESOLUTION NO. 13-29 FROM AGENDA	MOTION TO AMEND RESOLUTION NO. 13-29
COUNCIL MEMBERS:							
MAYOR	RON COUNTS						
COUNCIL:	KEN MOSS	YES	YES	YES	YES	NO	YES
COUNCIL:	RANDY CRISLER	EXCUSED	EXCUSED	EXCUSED	EXCUSED	EXCUSED	EXCUSED
COUNCIL:	BUTCH COOLEY	YES	YES	YES	YES	NO	YES
COUNCIL:	PHIL AMATO	YES	YES	YES	YES	YES	YES
COUNCIL:	PAUL FREESE	YES	YES	YES	YES	YES	NO
COUNCIL:	MICHELLE HOHMEIER	YES	YES	YES	YES	NO	YES
COUNCIL:	MARY ELIZABETH COLEMAN	YES	YES	YES	YES	NO	YES
COUNCIL:	JASON FULBRIGHT	YES	YES	YES	YES	NO	YES
INTERIM ADMINIS TRATOR/ CHIEF OF POLICE	BOB SHOCKEY						
			PARKS DIR:			SUSIE BOONE	
CITY CLERK	DIANE WALLER		PUBLIC WORKS:			ED BLATTNER	
COM DEV DIR:	MARY HOLDEN		TREASURER:			DAN KROUPA	
FINANCE DIR:	DEBORAH LEWIS		DIR. OF ADMIN.			GREG HALL	
CITY COUNSELOR	BOB SWEENEY						

CITY OF ARNOLD, MISSOURI

ROLL CALL

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BILL NO - RESOLUTION - MOTION

COUNCIL MEMBERS:

MAYOR RON COUNTS

COUNCIL: KEN MOSS

COUNCIL: RANDY CRISLER

COUNCIL: BUTCH COOLEY

COUNCIL: PHIL AMATO

COUNCIL: PAUL FREESE

COUNCIL: MICHELLE HOHMEIER

COUNCIL: MARY ELIZABETH COLEMAN

COUNCIL: JASON FULBRIGHT

INTERIM
ADMINIS
TRATOR/
CHIEF OF
POLICE

BOB SHOCKEY

CITY CLERK

DIANE WALLER

COM DEV DIR:

MARY HOLDEN

FINANCE DIR:

DEBORAH LEWIS

CITY COUNSELOR

BOB SWEENEY

RESOLUTION NO. 13-29 AS AMENDED	RESOLUTION NO. 13-30				
YES	YES				
EXCUSED	EXCUSED				
YES	YES				
NO	YES				
NO	YES				
NO	YES				
YES	YES				
YES	YES				
		PARKS DIR:	SUSIE BOONE		
		PUBLIC WORKS:	ED BLATTNER		
		TREASURER:	DAN KROUPA		
		DIR. OF ADMIN.	GREG HALL		