

City of Arnold, Missouri

Council Meeting
Council Chambers

June 5, 2008
7:30 p.m.

Amended Agenda

1. Pledge of Allegiance
2. Opening Prayer
3. Roll Call
4. Acceptance Of Minutes: **May 15, 2008**
5. Acceptance Of Warrants: **Payroll Warrant #1030 - General Warrant #5476**
6. Business From the Floor
7. Ordinances
 - A. **Bill No. 2308:** An Ordinance Amending Chapter 22, Article II of the Code of Ordinances Relating to Utility Tax.
8. Resolutions
 - A. **Resolution No. 08-28:** A Resolution Re-Appointing Norman Moss to the Planning Commission for a 4-Year Term.
 - B. **Resolution No. 08-29:** A Resolution Re-Appointing Frank Kutilek to the Planning Commission for a 4-Year Term.
 - C. **Resolution No. 08-30:** A Resolution Re-Appointing Del Williams to the Planning Commission for a 4-Year Term.
 - D. **Resolution No. 08-31:** A Resolution Authorizing an Intergovernmental Agreement with Jefferson County.
 - E. **Resolution No. 08-32:** A Resolution Extending a Contract for Residential Trash Collection.
9. Motions
 - A. A Motion Approving Change Order #2 for the Old Lemay Ferry Route 141 Project.
 - B. A Motion Approving Change Order #3 for the Old Lemay Ferry Route 141 Project.
 - C. A Motion Approving Change order #2 for the Old Lemay Ferry/MO State Project.
 - D. A Motion to Award the Bid for Chemical Supplies for Mosquito Spraying.
 - E. A Motion Awarding the Bid for the Replacement of the Dogwood Pavillion.
10. New Business
11. Old Business
12. Committee Reports
13. Reports from Mayor and Council
14. Administrative Reports

15. Adjournment

Next Work Session Meeting: June 12th at 7:00 p.m.
Next Regular Council Meeting: June 19^h at 7:30 p.m.

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REGULAR MEETING

June 5, 2008

COUNCIL CHAMBERS

2101 JEFFCO BLVD

7:30 PM

Mayor Mark Powell called the meeting to order at 7:30 p.m.

The Pledge of Allegiance was recited.

Opening Prayer was a moment of silence in honor of a friend of Bill Moritz who was killed in a plane crash, and for two family members of city staff who recently died; the father of Tom Palasky and the mother of Joan Boyles.

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

ACCEPTANCE OF THE MINUTES:

Al Ems moved to accept the minutes of the May 15, 2008 meeting if there are no deletions, errors, or corrections. Seconded by Randy Crisler. Roll call vote; Deckman, yes; Moritz, yes; Poor, yes; Crisler, yes; Hay, yes; Ems, yes; Cooley (excused); Amato, yes, 7 yeas, motion carried.

ACCEPTANCE OF THE WARRANTS:

City Clerk Diane Waller read payroll warrant #1030. Bill Moritz moved to pay payroll warrant #1030 pay period ending May 16, 2008 in the amount of \$239,838.01 if the monies are available. Seconded by Joyce Deckman. Roll call vote: Deckman, yes; Moritz, yes; Poor, yes; Crisler, yes; Hay, yes; Ems, yes; Cooley (excused); Amato, yes; 7 yeas, motion carried.

City Clerk Diane Waller read general warrant #5476. Joyce Deckman moved to pay general warrant #5476 in the amount of \$581,574.06 if the monies are available. Seconded by Al Ems. Roll call vote: Deckman, yes; Moritz, yes; Poor, yes; Crisler, yes; Hay, yes; Ems, yes; Cooley (excused); Amato, yes; 7 yeas, motion carried.

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.

Ms. Bernie Wilde, 3533 Swan Circle South, expressed concern about the upcoming Arnold Days Parade and questioned why there is nothing on the web as to a theme for this event.

She also added that next weekend author Dr. Jerry Gamache will be in town for a book signing and wants parking issues addressed at the Park and Historical Society/Park office.

Parks Director Susie Boone informed her that many of the Arnold Days Committee members are made up of educators and now that school is out they will be meeting and the information will be released.

Ron Lowry, 3021 Shelley Lynn, talked of the upcoming Relay for Life to be held at the Fox Campus on Friday, July 13, 2008. He was again requesting council permission to have a fireworks display (following city safety precautions and requirements for fireworks displays).

Phil Amato offered the motion to **grant permission for a fireworks display at the Relay for Life** and then so moved. Seconded by Bill Moritz. Roll call vote: Deckman, yes; Moritz, yes; Poor, yes; Crisler, yes; Hay, yes; Ems, yes; Cooley (excused), Amato, yes; 7 yeas, motion carried.

ORDINANCES

BILL #2308 AN ORDINANCE AMENDING CHAPTER 22, ARTICLE II OF THE CODE OF ORDINANCES RELATING TO UTILITY TAX was read twice by City Clerk, Diane Waller. Roll call vote: Deckman, yes; Moritz, yes; Poor, yes; Crisler, yes; Hay, yes; Ems, yes; Cooley (excused); Amato, yes; 7 yeas, ordinance passed.

RESOLUTIONS

RESOLUTION NO. 08-28 A RESOLUTION REAPPOINTING NORMAN MOSS TO THE PLANNING COMMISSION FOR A FOUR YEAR TERM was offered by Phil Amato and he so moved. Seconded by Joyce Deckman. Roll call vote: Deckman, yes; Moritz, yes; Poor, yes; Crisler, yes; Hay, yes; Ems, yes; Cooley (excused); Amato, yes; 7 yeas, resolution passed.

RESOLUTION NO. 08-29 A RESOLUTION REAPPOINTING FRANK KUTILEK TO THE PLANNING COMMISSION FOR A FOUR-YEAR TERM was offered by Al Ems and he so moved. Seconded by Joyce Deckman. Roll call vote: Deckman, yes; Moritz, yes; Poor, yes; Crisler, yes; Hay, yes; Ems, yes; Cooley (excused); Amato, yes; 7 yeas, resolution passed.

RESOLUTION NO. 08-30 A RESOLUTION REAPPOINTING DEL WILLIAMS TO THE PLANNING COMMISSION FOR A FOUR-YEAR TERM was offered by Phil Amato and he so moved. Seconded by Bill Moritz. Roll call vote: Deckman, yes; Moritz, yes; Poor, yes; Crisler, yes; Hay, yes; Ems, yes; Cooley (excused) Amato, yes; 7 yeas, resolution passed.

RESOLUTION NO. 08-31 A RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH JEFFERSON COUNTY TO ALLOW THE CITY TO UTILIZE LICENSED PICTOMETRY PRODUCTS UNDER JEFFERSON COUNTY'S LICENSES AGREEMENT was offered by Joyce Deckman and she so moved. Seconded by Randy Crisler. Roll call vote: Deckman, yes; Moritz, yes; Poor, yes; Crisler, yes; Hay, yes; Ems, yes; Cooley (excused); Amato, yes; 7 yeas, resolution passed.

RESOLUTION NO. 08-32 was discussed. Matt Hay offered a **motion to table Resolution No. 08-32** and then so moved. Seconded by Jerel Poor. Roll call vote: Deckman, no, Moritz, no, Poor, yes; Crisler, no; Hay, yes; Ems, no; Cooley (excused); Amato, yes; 4 nays, 3 yeas, motion **failed**.

Discussion continued on this resolution.

RESOLUTION NO. 08-32 A RESOLUTION AUTHORIZING THE MAYOR TO AMEND AN AGREEMENT WITH VEOLIA WASTE SERVICES FOR SOLID WASTE REMOVAL AND DISPOSAL SERVICES was discussed. A motion was offered by Joyce Deckman and she so moved. Seconded by Randy Crisler. More discussion. Joyce Deckman amended her motion to include the memo from Matt Unrein explaining this action, why bid procedures are waived and also acknowledged the Section 11-27 regarding charging residents. Randy Crisler amended his second. Roll call vote: Deckman, yes; Moritz, yes; Poor, no; Crisler, yes; Hay, no; Ems, yes; Cooley (excused); Amato, no; 4 yeas, 3 nays, resolution passed.

MOTIONS

A motion to authorize a change order for the **addition of a retaining wall at the west side of Old Lemay Ferry near the Arnold Commons intersection** was discussed. Joyce Deckman offered a motion to authorize the Public Works Director to approve **Change Order #2** for the Old Lemay Ferry/Route #141 project (**CMAQ project #5456-607**) to **MKG Construction** in the amount of **\$14,550.00** and then so moved. Randy Crisler seconded. Roll call vote: Deckman, yes; Moritz, yes; Poor, yes; Crisler, yes; Hay, yes; Ems, yes; Cooley (excused); Amato, yes; 7 yeas, motion carried.

A motion to authorize a change order regarding the **asphalt pricing for the Old Lemay Ferry/Route 141** project was discussed. Joyce Deckman offered a motion to authorize the Public Works Director to approve **Change Order #3 to MKG Construction** for the **Old Lemay Ferry/Route 141** project (**CMAQ project #5456-607**) regarding **asphalt pricing** in the amount of **\$14,355.30** and then so moved. Seconded by Bill Moritz. Roll call vote: Deckman, yes; Moritz, yes; Poor, yes; Crisler, yes; Hay, yes; Ems, yes; Cooley, (excused) Amato, no; 6 yeas, 1 nay, motion carried.

A motion to authorize a change order regarding the **asphalt pricing for the Old Lemay Ferry/Mo State project** was discussed. Bill Moritz offered a motion to authorize the Public Works Director to approve **Change Order #3 to MKG Construction** for the **Old Lemay Ferry/Mo State** project regarding **asphalt pricing** in the amount of **\$40,213.44** and then so moved. Seconded by Al Ems. Roll call vote: Deckman, yes; Moritz, yes; Poor, yes; Crisler, yes; Hay, yes; Ems, yes; Cooley; (excused); Amato, no; 6 yeas, 1 nay, motion carried.

A motion to award the bid for chemical supplies for mosquito spraying was discussed

Phil Amato requested that city be giving extra attention to the Creek behind Woodridge and the City Park areas due to the heavy rains. Phil Amato then offered a motion to award the **chemical supplies bid for mosquito spraying to Adapco** in the amount of **\$17,791.80**, being the lowest bid and then so moved. Seconded by Joyce Deckman. Roll call vote: Deckman, yes; Moritz, yes; Poor, yes; Crisler, yes; Hay, yes; Ems, yes; Cooley (excused); Amato, yes; 7 yeas, motion carried.

A motion to award the bid for the **replacement of the Dogwood pavilion in Arnold Park** was discussed. Al Ems offered a motion to award the bid **for the materials and labor to Buildings and Components, LTD** in the amount of **\$24,267.00** and requested **funding from undesignated reserves until FEMA monies are available. (Parks Dept will be receiving \$39,732 from Fema for repairs from flood)** and so moved. Seconded by Randy Crisler. Roll call vote: Deckman, yes; Moritz, yes; Poor, yes; Crisler, yes; Hay, yes; Ems, yes; Cooley (excused); Amato, yes; 7 yeas, motion carried.

NEW BUSINESS

Bill Moritz brought up the subject of possibly widening and adding a 5th lane on Jeffco from Richardson to Telegraph. Discussion followed. Mayor requested MoDot be contacted and ask for a study to get the ball rolling. Unrein will do this and report back to council.

It was questioned if possibly widening could be continued north and involve the area on Jeffco where the train trestle is and Mayor directed staff to get involved and bring something back to council.

Jerel Poor questioned when the Park Commission meetings are scheduled.

Mr. Unrein stated both park boards had voted to disband and city is thinking about what to do on this matter.

Mayor provided some background regarding how city came to have 2 park boards after the rec center was built and how the boards are floundering. There is a possibility in the future the boards would be consolidated but are not active at this time.

Matt Hay voiced his opinion indicating he feels the state statutes requires a parks commission. More discussion followed.

OLD BUSINESS

The subject of the tabling of Bill 2301 was discussed.

Mr. Crisler felt an agreement has been reached to alleviate the storm water concerns and stated the residents adjoining the development have been informed of this agreement.

Phil Amato voiced he still had concerns.

Jerel Poor indicted the developer is willing to try and fix the problem situation.

More discussion.

Randy Crisler offered **a motion to reconsider Bill No. 2301**. Seconded by Matt Hay. Roll call vote: Deckman, yes; Moritz, yes; Poor, yes; Crisler, yes; Hay, yes; Ems, yes; Cooley (excused), Amato, no; 6 yeas, 1 nay, motion carried

Randy Crisler stated he wants to vote on Bill No. 2301 now. Jerel Poor offers the motion to vote on the bill at this time. Seconded by Randy Crisler.

Sweeney addresses this issue as no one has the bill in front of them right now.

Crisler re-reads the proposed agreement and wants the Bill amended to include this agreement.

Mary Holden left the council chambers to retrieve Bill No. 2301.

Mayor stated we will move to committee reports while waiting for Mary Holden to return with Bill No. 2301.

COMMITTEE REPORTS

There was a liquor committee meeting prior to the council meeting, Bill Moritz was again elected chairman for this year.

He stated city has received an application from ERJ Dining III, LLC (Chili's Grill and Bar) to be constructed at 901 Arnold Commons Drive and they are requesting Intoxicating Liquor by the Drink and on Sundays license. Liquor committee recommends council approve. Bill Moritz offered a **motion to approve the liquor application for Chili's**, effective July 1, 2008 and then so moved. Seconded by Joyce Deckman. Roll call vote: Deckman, yes; Moritz, yes; Poor, yes; Crisler, yes; Hay, yes; Ems, yes; Cooley (excused), Amato, yes, 7 yeas, motion carried.

The 2008-2009 Liquor License Renewals were presented (attached).

Phil Amato asked Chief Shockey if he had anything to add regarding any negative activity or concerns with current liquor license holders being renewed and he did not. A motion was offered by Bill Moritz to **accept the liquor license renewals per the attached list** for the 2008/2009 liquor licenses. Seconded by Joyce Deckman. Roll call vote: Deckman, yes; Moritz, yes; Poor, yes; Crisler, yes; Hay, yes; Ems, yes; Cooley (excused); Amato, yes; 7 yeas. Motion carried.

Mary Holden returned with the minutes from the meeting where Bill No. 2301 was tabled. Bill No. 2301 was previously read only one time. More discussion. Phil Amato wants to be certain property owners within the 180 feet are notified

Crisler withdrew his motion asking for a vote on Bill No. 2301. Jerel Poor then withdrew his second.

REPORTS FROM MAYOR AND COUNCIL

Ward 4 – Butch Cooley – excused

Ward 1 – Mat Hay – No Report

Ward 4 – Al Ems – No Report

Ward 1 – Randy Crisler – No Report

Ward 2 – Jerel Poor - No Report

Ward 3 – Joyce Deckman – No Report

Ward 2 – Bill Moritz – Requested information on the Evergreen Mobile Home Park situation. Matt Unrein offered to meet with him to discuss this topic.

Ward 3 – Phil Amato – Questioned City Attorney about court proceedings, public records, etc. He also stated that he had made the second trip to Jefferson City regarding the solar lights.

ADMINISTRATIVE REPORTS

Mayor Powell stated UMB had their ground breaking for the first “green building” to be constructed in the Arnold Commons. Reported Hobby Lobby is coming in the old Schnucks store that was located at Jeffco and 141. Chili’s is coming and, the old Hardee’s location should have a tenant soon. Added there is a lot happening in Arnold.

Attorney Bob Sweeney – Reported Court of Appeals ruled in city’s favor regarding the Water Tower Development.

Matt Unrien – Network1 Communications Wireless Broadband will present at the work session. He also talked about the solar light meeting in Jefferson City today.

Diane Waller – No Report

Greg Hall – Reported the Ozark Drive Public Hearing is set for 7 PM on June 12, 2008.

Mary Holden - Reported she has met with Panera Bread (St. Louis Bread Company) and things are moving along.

Jeff Blue – Announced that some closures on Richardson Road may occur next week for repairs, weather permitting.

Mayor stated the July 3 council meeting could be moved to July 10th with the work session, if council approved. Randy Crisler offered a **motion to reschedule the July 3 Council meeting till July 10th**. Seconded by Joyce Deckman. Roll call vote: Deckman, yes; Moritz, yes; Poor, yes; Crisler, yes; Hay, yes; Ems, yes; Cooley (excused); Amato, yes; 7 yeas, motion carried.

Deborah Lewis – No report

Susie Boone - Reported on Paw Park dedication and said the park is being used. Rec Center is hosting some traveling artists exhibits and a split rail fence is being built at the City Park. Reported pools are open and busy and the Bowl slide is now working quite well. Student volunteers from Windsor will be helping put down sod next week.

Chief Shockey – elaborated on the Main event coming June 14. This is the fund raising fight between the Police and Fire Departments.

Motion to adjourn was offered by Randy Crisler.
Seconded by Al Ems.

Meeting adjourned at 9:07 PM.

Respectfully submitted.

City Clerk