

City of Arnold, Missouri

Public Hearing

March 5, 2009

7:30 p.m.

A. Minor Record Plat "Widman Acres".

Council Meeting
Council Chambers

Immediately Following the Public Hearing

AMENDED AGENDA

1. Pledge of Allegiance
2. Opening Prayer
3. Roll Call
4. Acceptance Of Minutes: **February 19, 2009**
5. Acceptance Of Warrants: **Payroll Warrant #1050 - General Warrant #5494**
6. Business From the Floor
7. Ordinances
 - A. **Bill No. 2336:** An Ordinance Establishing Legislative Procedures to Facilitate Public Knowledge About Ordinances and Resolutions to be Considered by the City Council.
 - B. **Bill No. 2337:** An Ordinance Approving Record Platt Titled "Widman Acres".
8. Resolutions
 - A. ~~Resolution No. 09-09:~~
 - B. **Resolution No. 09-10:** A Resolution Supporting the JCCP Municipal Bus Program.
 - C. **Resolution No. 09-11:** A Resolution Authorizing Code Red for Reverse 911 Services.
 - D. **Resolution No. 09-12:** A Resolution Authorizing an Engineering Contract to Crawford, Bunte, Brammeier.
9. Motions
 - A. A Motion Approving Supplemental Agreement No. 2 to CDG Engineering for the Ozark Drive Stormwater Improvement Project.
 - B. A Motion to Approve the Purchase of a New Air Conditioning Condensing Unit at City Hall.
10. New Business
11. Old Business
12. Committee Reports
13. Reports from Mayor and Council
14. Administrative Reports

15. Adjournment

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

March 2, 2009
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REGULAR MEETING

March 5, 2009

COUNCIL CHAMBERS

2101 JEFFCO BLVD

7:35 PM

Mayor Mark Powell called the meeting to order at 7:35 pm.

The Pledge of Allegiance was recited.

Mr. Powell asked for a moment of silence or silent prayer in honor of Patricia Allers, a city employee who died last week.

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

ACCEPTANCE OF THE MINUTES:

Joyce Deckman moved to **accept the minutes of the February 19, 2009 meeting** if there are no other deletions, errors, or corrections. Seconded by Butch Cooley.

Mr. Moritz requested Page 3 change “emergency” to urgent nature. Roll call vote to accept minutes with this change. Amato, yes; Deckman, yes; Moritz, yes; Poor, yes; Crisler, yes; Hay, yes; Ems (excused); Cooley, yes; 7 yeas, **motion carried**

ACCEPTANCE OF THE WARRANTS:

City Clerk Diane Waller read payroll warrant **#1050**. Butch Cooley moved to pay **payroll warrant #1050** pay period ending February 20, 2009, in the amount of \$241,295.77 if the monies are available. Seconded by Joyce Deckman. Roll call vote: Amato, yes; Deckman, yes; Moritz, yes; Poor, yes; Crisler, yes; Hay, yes; Ems (excused); Cooley, yes; 7 yeas, **motion carried**.

City Clerk Diane Waller read general warrant **#5494**. Joyce Deckman moved to pay **general warrant #5494** in the amount of \$718,136.94 if the monies are available. Seconded by Randy Crisler. Roll call vote: Amato, yes; Deckman, yes; Moritz, yes; Poor, yes; Crisler, yes; Hay, yes; Ems (excused); Cooley, yes; 7 yeas, **motion carried**.

BUSINESS FROM THE FLOOR

Mr. Clay Frenzel, 1955 During Circle, asked for city’s help in fixing the holes at the entrance of Dohack. This is impacting city vehicles as well as citizens. Also stated he played horseshoes at the old VFW but since the new one was built, had to play elsewhere. Was inquiring to see if there are laws regarding this in order to allow this type of play at the new VFW.

Public Works Director Jeff Blue advised city is aware of the street problems but it is in MoDot right-of-way and city has been in contact with MoDot.

Ms. Holden will be in touch with Mr. Frenzel regarding the horseshoe information.

Mr. Al Heinermann, representing Veolia (the city contracted trash hauler) stated he was here tonight in response to a letter the city attorney had sent Veolia. In the letter, the city chose to fine the company \$500 a day for the 2 days they had not operated in January, as was allowed in contract.

Mr. Heinermann went on to say there were safety reasons they did not send their staff or trucks working those two days and was asking the city to reconsider this fine.

Mayor advised this could be discussed in new business later in the meeting.

Mr. Ruben Leon, 960 Truman Blvd., and a gentlemen from G'sell addressed council regarding sign ordinance and handed out CDs.

Mary Holden advised there is a public hearing Tuesday about sign code revisions and encouraged everyone to attend. Mayor suggested the Planning Commission be provided the CDs for their review.

The gentlemen questioned if their signage was going to be okay this weekend and Mary Holden reiterated they were still okay from Friday till Monday morning and should not be removed.

Ms. Terri LaMontagne, owner of Katie's custard responded to some allegations that she was living at her business and wanted to know who was responsible for these allegations.

Mayor replied that normally the city does not know who is making the calls.

Mr. Bob Klamert, 1945 Holiday Valley, reported he had a \$147 sewer bill and realized he had a leak. He does not agree with the numbers the city is using to compute the fees.

ORDINANCES

Bill No. 2336 AN ORDINANCE ESTABLISHING LEGISLATIVE PROCEDURES TO FACILITATE PUBLIC KNOWLEDGE ABOUT ORDINANCES AND RESOLUTIONS PROCEDURES TO FACILITATE PUBLIC KNOWLEDGE ABOUT ORDINANCES AND RESOLUTIONS TO BE CONSIDERED BY THE CITY COUNCIL was previously read ONCE by City Clerk Diane Waller at the meeting on 2-19-2009.

Much discussion followed. Mr. Poor felt it should be tabled and go back to a work session. Mr. Hay questioned if it passed tonight, how it would affect Bill #2337.

Attorney Sweeney addressed the fact it would not go into effect until signed. Since there were amendments being discussed, it would not be happening tonight.

More discussion and additional verbiage and an additional section will need to be added stating the ordinance may be over ridden by a unanimous vote of those present on the council.

City Clerk Diane Waller read the bill for the second time.

A poll was taken to vote on the bill tonight. 1 yea, 6 nays No vote taken.

The changes will be made and the bill will be on the agenda in 2 weeks for consideration at that time.

Mayor stated there would not be a work session next week as many are unable to attend.

Bill No. 2337 AN ORDINANCE APPROVING A RECORD PLAT TITLED 'WIDMAN ACRES' was read twice by City Clerk Diane Waller. Roll call vote: Amato, yes; Deckman, yes; Moritz, yes; Poor, yes; Crisler, yes; Hay, yes; Ems (excused); Cooley, yes; 7 yeas, **ordinance passed.**

RESOLUTIONS

Resolution No. 09-09 – removed from agenda

Resolution No. 09-10 – A resolution supporting the JCCP Municipal Bus Program. Mr. Murphy, Project Coordinator Transportation Solutions Committee was allowed to address the council and handed out budgets and routes for their review. Discussion followed. Approving this resolution authorizes the Mayor to sign the non-binding Memorandum of Understanding.

Councilman Amato leaves Chamber at 8:26 pm and returns 8:27 pm.

Mr. Crisler offered a motion to approve **Resolution #09-10** and so moved. Seconded by Mr. Bill Moritz. Roll call vote: Amato, yes; Deckman, yes; Moritz, yes; Poor, yes; Crisler, yes; Hay, yes; Ems (excused); Cooley, yes; 7 yeas, **resolution passed.**

RESOLUTION 09-11 A RESOLUTION AUTHORIZING AN AGREEMENT WITH CODE RED FOR THE INSTALLATION, OPERATION AND MAINTENANCE OF REVERSE 911 SERVICES. There was no contract or agreement attached as indicated. A motion was offered by Phil Amato **to approve as this was the best and lowest qualified bidder, contingent on legal review** and he so moved. Seconded by Joyce Deckman. Roll call vote: Amato, yes; Deckman, yes; Moritz, yes; Poor, yes; Crisler, yes; Hay, yes; Ems (excused); Cooley, yes; 7 yeas, **resolution passed.**

RESOLUTION NO. 09-12 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH CRAWFORD, BUNTE, BRAMMEIER FOR ENGINEERING DESIGN SERVICES FOR IMPROVEMENTS TO THE HIGHWAY 141/ASTRA WAY INTERSECTION (STP PROJECT 5403-614) was offered by Butch Cooley and he so moved. Seconded by Phil Amato. Roll call vote: Amato, yes; Deckman, yes; Moritz, yes; Poor, yes; Crisler, yes; Hay, yes; Ems (excused); Cooley, yes; 7 yeas, **resolution passed.**

MOTIONS

A motion approving supplemental agreement No. 2 to CDG engineering for the Ozark Drive Storm water Improvement Project in the amount of \$26,000.00 was offered by Joyce Deckman. Seconded by Butch Cooley. Roll call vote: Amato, yes; Deckman, yes; Moritz, yes; Poor, yes; Crisler (out of room), Hay, yes; Ems (excused), Cooley, yes; 6 yeas, **resolution passed.**

A motion to approve the purchase of a new air conditioner condensing unit at City Hall was discussed. Randy Crisler moved to waive formal bid procedures and award a **bid for the purchase and installation of a replacement-condensing unit to Stiehl Service Inc. in the amount of \$17,404.00.** Seconded by Jerel Poor. Roll call vote: Amato, yes; Deckman, yes; Moritz, yes; Poor, yes; Crisler, yes; Hay, yes; Ems (excused); Cooley, yes; 7 yeas, **resolution passed.**

NEW BUSINESS/OLD BUSINESS

Mr. Amato distributed a proposed ordinance to assist the residents with the increase in the sewer rates. What was offered would increase the base sewer usage to 20,000 gallons per quarter along with increasing the fee from \$3.98 per thousand over this base to \$4.58 per thousand.

Mayor encouraged everyone to study and ask questions.

Attorney Sweeney advised not voting on this tonight, as proper notice had not been given.

Discussion followed.

Mr. Poor offered a motion to table. Seconded by Matt Hay. It was determined a vote was really not needed this evening and after more discussion, the motion and second were withdrawn.

This ordinance will be looked at in 2 weeks, allowing all the necessary time to review.

As Mayor stated earlier, Veolia was fined for failure to pickup 2 days in January and this topic would be discussed at this time.

Attorney Sweeney explained how the contract did not allow for a snow emergency and does not excuse weather.

Bill Moritz left council chamber at 9:04 and returned 9:06.

Councilmen expressed their concern for lack of recycling pickups and reported numerous other repeat misses.

Al Heinermann was allowed to speak and he relayed the company felt it was too dangerous for their employees to be on the road, as well as concern for city residents. He thought they had been picked up later in the week.

Diane Waller clarified she had an e-mail from Veolia stating they would not be picked up until the next week.

Jerel Poor left council chamber at 9:08 and returned 9:09 pm.

Much discussion followed about the many misses Veolia has had regarding the pickup of recycling. However, that is not the issue at hand.

Mr. Poor verified that if no action were taken, the fine would remain.

Mr. Crisler felt this was a safety issue and city should abate the fine this time only. Randy Crisler offered a motion and so moved to **abate the \$1000 fine for the 2 days Veolia did not run their trucks due to the snow and ice in January**. Seconded by Bill Moritz. Roll call vote: Amato, yes; Deckman, yes; Moritz, yes; Poor, no; Crisler, yes; Hay, no; Ems, (excused), Cooley, yes; 5 yeas, 2 nays, **motion carried**.

Joyce Deckman left council chamber at 9:22 and returned 9:24 pm.

Bill Moritz had previously provided the mayor some handouts about an article in the Riverfront Times that had a comment from Matt Hay and asked they be distributed at this time. Mr. Moritz then asked Mr. Hay to explain his comment.

Hay replied, that due to council decision about no discussion on this topic, he would not comment, as he did not want to be in violation.

Mayor added Mr. Hay has no obligation to speak about this.

There was an exchange of words between Councilman Hay and Councilwoman Deckman that became heated. Mayor called a brief recess at 9:31 pm. Ms. Deckman was visibly upset and those around her attempted to calm her down.

Ms. Deckman was excused at 9:32 pm.

Meeting resumes.

COMMITTEE REPORTS

Bill Moritz reported there had been a liquor committee meeting earlier this evening and Mr. Moritz reported an application had been reviewed for the new Casa Mexicana on Michigan Avenue.

He then offered a motion **to approve the Intoxicating Liquor by the drink and on Sunday license to be issued to Darlene Justice for Casa Mexicana, 2198 Michigan Avenue** and so moved. Seconded by Randy Crisler. Roll call vote: Amato, yes; Deckman (excused), Moritz, yes; Poor, yes; Crisler, yes; Hay, yes; Ems (excused); Cooley, yes; 6 yeas, **motion carried.**

REPORTS FROM MAYOR AND COUNCIL

Ward 4 – Al Ems – Excused

Ward 4 – Butch Cooley – No report.

Ward 2– Bill Moritz – No report.

Ward 1 – Randy Crisler – No report

Ward 2 – Jerel Poor - No report

Ward 3 – Joyce Deckman – Excused

Ward 1– Matt Hay - No report

Ward 3 – Phil Amato – No report

ADMINISTRATIVE REPORTS

Attorney Sweeney – No Report

Matt Unrein – Elaborated on an upcoming recycling event the city will help out with on March 15, 2009 at Immaculate Conception Church. He is asking for authorization to supply 2 Public Work employees and a bobcat to help load. Employees are asking for comp time only. A motion was offered by Phil Amato **to authorize the use of a city bobcat and 2 public work employees** and so moved. Seconded by Jerel Poor. Roll call vote: Amato, yes; Joyce Deckman (excused) Moritz, yes; Poor, yes; Crisler, yes; Hay, yes; Ems (excused), Cooley, yes; 6 yeas, **motion carried.**

Diane Waller – Announced she would be out of the office next Monday and Tuesday attending an annual City Clerk Institute.

Greg Hall – Reported the Ozark Bridge has been manufactured and will be stored at no cost until May 1. Announced all the tickets have been distributed for the Classical Concert on March 15 but if council members needed any, he did have some set aside for them.

Mary Holden - No Report

Jeff Blue – Stated he had provided a memo regarding the upcoming spring brush pickup and a report on 665 Idaho. Mentioned the stimulus package and would like to see the city be able to get some of this money for work on Telegraph and Sur Vista.

Paul Freeze – commented on the research he is doing on paper cost and hopes to have the city go a little more paperless.

Deborah Lewis – Referred to the memo she had provided regarding Other Post employment Benefits Study. She needed authorization to proceed. Randy Crisler offered a motion and so moved that **Ms. Lewis be authorized to find an actuary firm and to spend less than \$5000.** Seconded by Bill Moritz. Roll call vote: Amato, yes; Deckman (excused); Moritz, yes; Poor, yes; Crisler, yes; Hay; yes; Ems (excused); Cooley, yes; 6 yeas, **motion carried.**

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Regular meeting
March 5, 2009

Susie Boone – Reported on the recent meeting of the new Parks and Rec Board and shared ideas for the new park on Telegraph. Added Mayor Powell will be receiving the 2009 Public Official Achievement Award next Thursday at the Missouri Parks and Recreation Association banquet. Also indicated the Ferd Lang Pool will have limited hours this season and city will need to evaluate its future.

Mayor Powell reminisced about all the improvements in our parks department over the years and how the rec center came to be. He added that he hopes differences can be put behind and city can continue to develop. He hopes we can act as a team for the overall good of the people.

Chief Shockey – Reported he has cut back on paper use and trying to go green. Shared some stats.

A motion to adjourn was offered by Randy Crisler. Seconded by Jerel Poor.
Voice vote: all yeas, meeting adjourned at 9:48 pm.

Respectfully submitted,

City Clerk