

City of Arnold, Missouri

**Council Meeting
Council Chambers**

**March 18, 2010
7:00 p.m.**

Amended Agenda

1. Pledge of Allegiance
2. Opening Prayer: First Pentecostal Church of Arnold – Rev. Virgil Marchbanks
3. Roll Call
4. Acceptance of Minutes: **March 4, 2010**
5. Acceptance of Warrants: **Payroll Warrant #1077- General Warrant #5519**
6. Business from the Floor:
7. Ordinances
 - A. **Bill No. 2370:** An Ordinance Amending Chapter 24, Article II, Section 24-83 User Charge System Established.
 - B. **Bill No. 2371:** An Ordinance Authorizing and Directing the Mayor of Arnold, Missouri to Execute a Contract Employing Wegmann, Stewart, Tesreau, Sherman, Eden & Mikale, P.C., as City Attorney, and providing for an Effective Date Therefore.
 - C. **Bill No. 2372:** An Ordinance Approving a Change Order for the CIPP Sewer Project Contract with Walden Associated Technologies, Inc.
 - D. **Bill No. 2373:** An Ordinance Deeding a Partial Remainder of Land from Church Road Improvements Projects to the First Baptist Church of Arnold.
8. Resolutions
 - A. **Resolution No.10-08:** A Resolution Opposing Missouri House of Representatives Joint Resolution 29,56, and 71.
9. Motions
 - A. ~~A Motion to Authorize Staff to Begin Contract Negotiations with an Engineering Firm to Provide an Inflow and Infiltration Study.~~
 - B. A Motion to Authorize Staff to Begin Contract Negotiations with Crawford, Bunte, and Brammeier to Provide Professional Engineering Design Services.

10. New Business
11. Old Business
12. Committee Reports
13. Reports from Mayor and Council
14. Administrative Reports
 - A. 2010-02, 2112 Longview, Conditional use Permit for Duplex, Planning Commission Recommendation and Action.
15. Adjournment

Next Regular Council Meeting April 1, 2010 at 7:00 p.m.
Next Work Session Meeting April 8, 2010 at 7:00 p.m.

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March 17, 2010

REGULAR MEETING

March 18, 2010

COUNCIL CHAMBERS

2101 JEFFCO BLVD

7:00 PM

Mayor Ron Counts called the meeting to order at 7:00 pm.

The Pledge of Allegiance was recited.

The Reverend Virgil Marchbanks, from the First Pentecostal Church, offered the opening prayer.

Those present per roll call taken by City Clerk Diane Waller: Counts, Deckman (excused) Schoenbeck, Poor, Lindsley, Crisler, Hay, Moritz, Connell, Unrein, Waller, Holden, Lewis, Tesreau, Boone, Shockey, Baker, Freese and Hall.

Mayor asked that **agenda be amended by removing Bill No. 2371**. Randy Crisler offered a motion and so moved. Seconded by Bob Lindsley. Roll call vote: Deckman (excused); Schoenbeck, yes; Poor, yes; Lindsley, yes; Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; 7 yeas, motion carried.

Mayor then asked for **another amendment to the agenda, to add a motion to hold an emergency closed session immediately following the city council this evening** for the purpose of discussing litigation per section 610.021 (1) RSMo. Randy Crisler offered motion and so moved. Seconded by Bill Moritz. Roll call vote: Deckman (excused); Schoenbeck, yes; Poor, yes; Lindsley, yes; Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; 7 yeas, motion carried.

ACCEPTANCE OF THE MINUTES:

Bill Moritz moved to **accept the minutes of the March 4, 2010 meeting** if there are no other deletions, errors, or corrections. Seconded by Jason Connell. Roll call vote: Deckman (excused); Schoenbeck, yes; Poor, yes; Lindsley, yes; Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; 7 yeas, Motion **carried**.

ACCEPTANCE OF THE WARRANTS:

City Clerk Diane Waller read **payroll warrant #1077**. Bill Moritz moved to pay **payroll warrant #1077** pay period ending March 5, 2010 in the amount of \$230,688.02 if the monies are available. Seconded by Bob Lindsley. Roll call vote: Deckman (excused); Schoenbeck, yes; Poor, yes; Lindsley, yes; Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; 7 yeas. **Motion carried**.

City Clerk Diane Waller read **general warrant #5519**. Jason Connell moved to pay **general warrant #5519** in the amount of \$342,041.70 if the monies are available. Seconded by Jerel Poor. Roll call vote: Deckman (excused); Schoenbeck, yes; Poor, yes; Lindsley, yes; Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; 7 yeas, Motion **carried**.

Chief Shockey announced that Police Officer Greg Palm, would be retiring soon with over 34 years on the force. Chief and Mayor complemented Officer Palm and Chief presented him with a plaque, acknowledging his retirement.

BUSINESS FROM THE FLOOR

The Mayor explained how anyone could speak for up to 3 minutes on any topic, but first must identify himself or herself and state their address.

Ms. Doris Borgelt, 653 Louisa, read a prepared statement alleging a current councilman, Randy Crisler, of not paying his taxes and wants him disqualified as a candidate in an upcoming election.

Mr. Crisler responded this was an error and he owes no taxes.

Ms. Kelly Feldman, of the Arnold Chamber of Commerce, provided details on the Easter Egg Hunt activities scheduled for April 3, thanked Susie Boone for allowing businesses to be showcased at the rec center, and announced the Chamber is offering discounted Wehrenberg tickets for sale.

ORDINANCES

Bill No. 2370 AN ORDINANCE AMENDING CHAPTER 24, ARTICLE II, SECTION 24-83 USER CHARGE SYSTEM ESTABLISHED was read twice by City Clerk Diane Waller, followed by much discussion regarding billing. Roll call vote: Deckman (excused) Schoenbeck, yes; Poor, yes; Lindsley, yes; Crisler, yes; Hay, yes; Moritz, yes, Connell, yes; 7 yeas, **Ordinance passed**.

Bill No. 2371 – previously removed from agenda

Bill No. 2372 – AN ORDINANCE AUTHORIZING A CHANGE ORDER AGREEMENT WITH WALDEN ASSOCIATED TECHNOLOGIES FOR THE TRENCHLESS SEWER REPLACEMENT AND RELINING PROGRAM was read twice by City Clerk Diane Waller. Roll call vote: Deckman (excused); Schoenbeck, yes; Poor, yes; Lindsley, yes; Crisler, yes; Hay, yes; Moritz, yes; Connell, yes, 7 yeas, **Ordinance passed**.

Bill No. 2373 – AN ORDINANCE DEEDING A PARTIAL REMAINDER OF LAND RESULTING FROM THE CHURCH ROAD IMPROVEMENT PROJECT TO THE FIRST BAPTIST CHURCH OF ARNOLD was read twice by City Clerk Diane Waller. Roll call vote: Deckman (excused); Schoenbeck, yes; Poor, yes; Lindsley, yes; Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; 7 yeas, **Ordinance passed.**

RESOLUTIONS

RESOLUTION NO. 10-08 – A RESOLUTION OPPOSING MISSOURI HOUSE OF REPRESENTATIVE JOINT RESOLUTION 29, 56 AND 71 was discussed.

Matt Hay expressed he felt city should leave this to the state and wanted it tabled. After discussion, **a motion was offered to table** by Jerel Poor and he so moved. Seconded by Matt Hatt. Roll call vote: Deckman (excused); Schoenbeck, no; Poor yes; Lindsley, no; Crisler, no; Hay, yes; Moritz, no; Connell, no; 5 nays, 2 yeas, **motion failed.**

RESOLUTION NO. 10-08 – A RESOLUTION OPPOSING MISSOURI HOUSE OF REPRESENTATIVE JOINT RESOLUTION 29, 56, AND 71 was discussed. Bill Moritz offered a motion and he so moved. Seconded by Bob Lindsley. Roll call vote: Deckman (excused); Schoenbeck, yes; Poor, yes; Lindsley, yes; Crisler, yes; Hay, no; Moritz, yes; Connell, yes; 6 yeas, 1 nay, **Resolution passed.**

MOTIONS

A motion to authorize staff to begin contract negotiations with Crawford, Bunte, and Brammier to provide professional engineering design services for Missouri State Road and Astra Way reconstruction was discussed.

Jason Connell offered a motion and he so moved. Seconded by Jerel Poor. Roll call vote: Deckman (excused); Schoenbeck, yes; Poor, yes; Lindsley, yes; Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; 7 yeas, **motion carried.**

A motion to hold a closed session immediately following this meeting for the purpose of discussing potential litigation RSMo. 610.020 (1) was offered by Bill Moritz and he so moved. Secoded by Jerel Poor. Roll call vote: Deckman (excused); Schoenbeck, yes; Poor, yes; Lindsley, yes; Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; 7 yeas, **Motion carried.**

NEW BUSINESS

Bob Lindsley announced that the residents in Frontenanc would soon be paying their trash fees rather than having the city pay this expense. The monthly fees their residents will be charged are much higher than the \$7.00 Arnold residents are being charged. This indicates cities are doing what they have to in order to make budgets work.

He also reported that he, Brian Waldrop, and district personnel have met regarding the pilot program for the Muddy Creek work at the Fox campus and will be doing a tentative agreement. They were also offered help from school organizations to assist in this project.

Bill Moritz reminded everyone that the Census forms have been mailed and encouraged everyone to complete them.

Jerel Poor stated complaints against him filed with the Ethics commission have been cleared and he has the proof. He asked if Randy Crisler had proof for his tax issue.

Randy Crisler replied he could provide, but did not have anything with him at this moment.

Jason Connell then expressed that since Randy Crisler is Chairman of the Finance Committee, under the circumstances, he should not be allowed to continue in that capacity and be removed.

A motion was offered by Jason Connell to remove Mr. Crisler from the Finance Committee and he so moved. Seconded by Matt Hay. Much discussion followed.

Mr. Tesreau added that since the Mayor appoints this committee, this action would take the Mayor's approval and majority of the council.

Bob Lindsley expressed he felt taking action is pre-mature as council did not have all the facts.

Mayor asked that the motion be rescinded and withdrawn so all facts can be reviewed.

Jerel Poor agreed and said council needs to do the right thing.

Connell withdrew his motion and Hay withdrew his second. Connell added this could be tabled until the facts can be reviewed.

OLD BUSINESS

No old business.

COMMITTEE REPORTS

Bob Lindsley reported there would be a Parks Board meeting on April 7th.

Bill Moritz reported on the Aging and Disability Meeting and added the Mayor had also attended.

REPORTS FROM MAYOR AND COUNCIL

Mayor Counts – No Report

Ward 4 - Karl Schoenbeck – No Report

Ward 2 - Bill Moritz – No Report

Ward 3 - Bob Lindsley – No Report

Ward 1 – Randy Crisler – No Report

Ward 3 – Joyce Deckman – Excused

Ward 2 – Jerel Poor - No Report

Ward 4 – Jason Connell – Encouraged everyone to complete the Census forms

Ward 1 – Matt Hay – Thanked Bryson Baker for his involvement in getting the railroad grade repairs.

City Administrator Matt Unrein – Brought up a concern with the possibility of flooding expected. Reported on 2 homes on Convair that are prone to flooding and explained issues and costs involved. He was looking for direction and input as these do cost the city to protect. The residents had been offered a buyout previously but now money is not available. The city could spend about \$10,000 to protect with sandbagging efforts etc.

Mr. Crisler added well in the past you know I guess with the sandbags there was tremendous outpouring of support. I don't think we should stop sandbagging efforts all together. I think it is unwise, and I think it is cold. I do think we need to keep it down to the real property, 3 feet from his foundation, as opposed to 40 feet around his pool. I like Mr. Turner and all, but his pool is not my concern.

Mayor questioned how long does the city continue to spend taxpayer dollars when this is not the best use of our money. It appears the residents are wanting more than their homes protected as one has a pool. Mr. Hay agreed this too is not the best use of money or volunteers.

City Clerk Diane Waller – No report

Chief Shockey – No Report

Parks Director Susie Boone – Elaborated on upcoming park events. Provided information regarding the retaining wall that needs to be repaired. She is endorsing Kozeny-Wagner and would like approval to move forward. Much discussion followed.

Attorney Tesreau clarified a motion to waive normal bid procedures and allow Kozeny-Wagner to handle the construction management portion of this project.

Bill Moritz offered a motion to waive normal bid procedures and allow Kozeny-Wagner to handle the construction management portion the retaining wall and so moved. Seconded by Jason Connell. Roll call vote: Deckman (excused); Schoenbeck, yes; Poor, yes; Lindsley, yes; Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; 7 yeas, motion **carried**.

Mary Holden – Reported there is a conditional use permit #2010-02 for a duplex at 2112 Longview. This will stand approved unless other action is taken by council. Poor questioned the no sidewalk and Ms. Holden responded they will contribute to sidewalk fund. Mr. Poor also questioned the size of the duplex. The applicant was in the audience and responded to his question.

Bryson Baker – Reported the work at the Railroad Crossing went well.

Treasurer Paul Freese -

Attorney Dennis Tesreau – No Report

Finance Director Deb Lewis – No Report

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Regular meeting
March 18, 2010

Director of Administration Greg Hall – Reported on the progress of the work being done on Ozark Bridge

Mayor announced a recess at 8:18 pm to go into closed session.

Meeting resumed at 8:40 pm

A motion to adjourn was offered by Jerel Poor. Seconded by Jason Connell.
Voice vote: all yeas.

Meeting adjourned at 8:40 pm.

Respectfully submitted,

Diane Waller