

City of Arnold, Missouri

Public Hearing

May 6, 2010
7:00 p. m.

- A. Public Hearing Regarding An Ordinance Amending the Sign Code Pertaining to Temporary Signs.
-

Council Meeting
Council Chambers

Immediately Following the Public Hearing

Agenda

1. Pledge of Allegiance
2. Opening Prayer: Arnold Church of the Nazarene
3. Roll Call
4. Acceptance of Minutes: **April 15, 2010**
5. Acceptance of Warrants: **Payroll Warrant #1080- General Warrant #5522**
- 5.5 Organization of the Council - Appointment of Committee/Board Assignments
6. Business from the Floor:
 - A. **Bill No. 2381:** An Ordinance Approving a Budget Amendment for Pomme Creek Golf Course.
 - B. **Bill No. 2382:** A Ordinance Approving and Agreement with Ideal Landscape Group for Repair work at the Arnold Recreation Center.
 - C. **Bill No. 2383:** An Ordinance Providing for an Adjustment to the Fiscal Year 2010 Budget.
 - D. **Bill No. 2384:** An Ordinance Amending the Sign Code Pertaining to Temporary Signs.
 - E. **Bill No. 2385:** An Ordinance Authorizing the Mayor to Execute a Contract Agreement with Jacobs for Evaluation of Flow Meters Related to MSD Drop Shafts.
7. Ordinances

F. Bill No. 2386: An Ordinance Authorizing the Mayor to Execute an Agreement with Metro Sweeping Services, Inc. for Street Sweeping Services for the City of Arnold.

G. Bill No. 2387: An Ordinance Amending Section 23-23.13 of the Code of Ordinances Known as ‘Schedule M of the Traffic Code’ Relating to Special Speed Limits.

H. Bill No. 2388: An Ordinance Limiting the use of Eminent Domain and Establishing a Property Owner’s Bill of Rights.

8. Resolutions

9. Motions

A. A Motion to Authorize Staff to Begin Contract Negotiations with Fribis Engineering Firm to Provide an Inflow and Infiltration Study.

B. A Motion to Authorize Staff to Begin Contract Negotiations with Woolpert Engineering Firm to Provide an Inflow and Infiltration Study.

C. A Motion to Reinstate the Contract with Jefferson County Animal Control Department.

10. New Business

11. Old Business

12. Committee Reports

13. Reports from Mayor and Council

14. Administrative Reports

A. 2010-05 1907 Richardson Road; Conditional Use Permit relating to a 73 Sq/Ft. Addition to Sonic Restaurant.

15. Adjournment

Next Regular Council Meeting May 20, 2010 at 7:00 p.m.

Next Work Session Meeting May 13, 2010 at 7:00 p.m.

REGULAR MEETING

May 6, 2010

COUNCIL CHAMBERS

2101 JEFFCO BLVD

7:05 PM

Mayor Ron Counts called the meeting to order at 7:05 pm.

The Pledge of Allegiance was recited.

Pastor Tammy Wilson, from Arnold Church of the Nazarene, offered the opening prayer.

Bill Moritz requested a moment of silence for three community pioneers that died this past week, Laverne McNamara, Mike Sippel and Marcella Dornseif. He also provided brief background on each one.

Those present per roll call taken by City Clerk Diane Waller: Counts, Connell, Freese, Lindsley, Edwards, Moritz, Lang, Crisler, Moss, Unrein, Waller, Holden, Lewis, Tesreau, Boone, Shockey, Baker, Kroupa and Hall.

ACCEPTANCE OF THE MINUTES:

Bill Moritz moved to **accept the minutes of the April 15, 2010 meeting** if there were no deletions, errors or corrections. Ken Moss seconded the motion. Roll call vote: Connell, yes; Freese, yes; Lindsley, yes; Edwards, yes; Moritz, yes; Lang, yes; Crisler, yes; Moss, yes; 8 yeas. **Motion carried.**

ACCEPTANCE OF THE WARRANTS:

City Clerk Diane Waller read **payroll warrant #1080**. **Paul Freese moved to pay payroll warrant #1080** pay period ending April 16, 2010 in the amount of \$236,379.08 if the monies are available. Seconded by Bob Lindsley. Roll call vote: Connell, yes; Freese, yes; Lindsley, yes; Edwards, yes; Moritz, yes; Lang, yes; Crisler, yes; Moss, yes; 8 yeas. **Motion carried.**

City Clerk Diane Waller read **general warrant #5522**. **Jim Edwards moved to pay general warrant #5522** in the amount of \$518,706.30 if the monies are available. Seconded by Paul Freese. Roll call vote: Connell, yes; Freese, yes; Lindsley, yes; Edwards, yes; Moritz, yes; Lang, yes; Crisler, yes; Moss, yes; 8 yeas. **Motion carried.**

The Mayoral Committee Appointments were offered for approval (see attached).

A motion was made by Randy Crisler to accept Mayoral Committee Appointments and seconded by Paul Freese. It was noted that **Chief Shockey should be included as part of the Finance/Budget Committee**. Both Mr. Crisler and Mr. Freese **amended** their motion to add this change. Roll call vote: Connell, yes; Freese, yes; Lindsley, yes; Edwards, yes; Moritz, yes; Lang, yes; Crisler, yes; Moss, yes; 8 yeas. **Motion carried.**

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. Cindy Coleman, 3440 Tenbrook, expressed her appreciation to the Public Works Department for their part in doing a good job on a dangerous situation on Tenbrook.

ORDINANCES

Bill No. 2381 AN ORDINANCE APPROVING A BUDGET AMENDMENT FOR POMME CREEK GOLF COURSE was read twice by City Clerk Diane Waller. Roll call vote: Connell, yes; Freese, yes; Lindsley, yes; Edwards, yes; Moritz, yes; Lang, yes; Crisler, yes; Moss, yes; 8 yeas. **Ordinance passed.**

Bill No. 2382 AN ORDINANCE APPROVING AN AGREEMENT WITH IDEAL LANDSCAPE GROUP FOR DESIGN, INSTALL, AND REPAIR WORK OF THE RETAINING WALL AT THE RECREATION CENTER was discussed.

A motion was offered by Randy Crisler **to approve the above agreement subject to a performance bond being included.** Seconded by Ken Moss. Roll call vote: Connell, yes; Freese, yes; Lindsley, yes; Edwards, yes; Moritz, yes; Lang, yes; Crisler, yes; Moss, yes; 8 yeas. **Motion carried.**

Bill No. 2382 AN ORDINANCE APPROVING AN AGREEMENT WITH IDEAL LANDSCAPE GROUP FOR DESIGN, INSTALL, AND REPAIR WORK OF THE RETAINING WALL AT THE RECREATION CENTER (as amended) was read twice by City Clerk Diane Waller. Roll call vote: Connell, yes; Freese, yes; Lindsley, yes; Edwards, yes; Moritz, yes; Lang, yes; Crisler, yes; Moss, yes; 8 yeas. **Ordinance passed.**

Bill No. 2383 AN ORDINANCE PROVIDING FOR AN ADJUSTMENT TO THE FISCAL YEAR 2010 BUDGET was read twice by City Clerk Diane Waller. Roll call vote: Connell, yes; Freese, yes; Lindsley, yes; Edwards, yes; Moritz, yes; Lang, yes; Crisler, yes; Moss, yes; 8 yeas. **Ordinance passed.**

Bill No. 2384 AN ORDINANCE AMENDING THE SIGN CODE, SECTION 20.5-3 DEFINITIONS, AND SECTION 20.5.11., 6 AND 7, SIGNS PERMITTED IN ALL ZONES was read twice by City Clerk Diane Waller. Roll call vote: Connell, yes; Freese, yes; Lindsley, yes; Edwards, yes; Moritz, yes; Lang, yes; Crisler, yes; Moss, yes; 8 yeas. **Ordinance passed.**

Bill No. 2385 AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF ARNOLD, MISSOURI TO EXECUTE A CONTRACT AGREEMENT WITH JACOBS FOR PROFESSIONAL SERVICES FOR CONSTRUCTION PHASE SERVICES, TASK 8 MOD 1 ADDITIONAL EVALUATION OF FLOW METERS RELATED TO MSD DROP SHAFTS

was read twice by City Clerk Diane Waller. Roll call vote: Connell, yes; Freese, yes; Lindsley, yes; Edwards, yes; Moritz, yes; Lang, yes; Crisler, yes; Moss, yes; 8 yeas. **Ordinance passed.**

Bill No. 2386 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT AGREEMENT WITH METRO SWEEPING SERVICES, INC. FOR STREET SWEEPING SERVICES FOR THE CITY OF ARNOLD was discussed.

Randy Crisler offered a **motion to amend the ordinance to include a provision in the contract that the work referred to in Bill No. 2386 be done in workmanlike fashion.** Seconded by Bill Moritz. Roll call vote: Connell, yes; Freese, yes; Lindsley, yes; Edwards, yes; Moritz, yes; Lang, yes; Crisler, yes; Moss, yes; 8 yeas. **Motion carried.**

Bill No. 2386 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT AGREEMENT WITH METRO SWEEPING SERVICES, INC. FOR STREET SWEEPING SERVICES FOR THE CITY OF ARNOLD (as amended) was read twice by City Clerk Diane Waller. Roll call vote: Connell, yes; Freese, yes; Lindsley, yes; Edwards, yes; Moritz, yes; Lang, yes; Crisler, yes; Moss, yes; 8 yeas, **Ordinance passed.**

Bill No. 2387 AN ORDINANCE AMENDING SECTION 23-23.13 OF THE CODE OF ORDINANCES KNOWN AS ‘SCHEDULE M OF THE TRAFFIC CODE’ RELATING TO SPECIAL SPEED LIMITS was read twice by City Clerk Diane Waller. Roll call vote: Connell, yes; Freese, yes; Lindsley, yes; Edwards, yes; Moritz, yes; Lang, yes; Crisler, yes, Moss, yes; 8 yeas. **Ordinance passed.**

Bill No. 2388 AN ORDINANCE LIMITING THE USE OF EMINENT DOMAIN AND ESTABLISHING A PROPERTY OWNER’S BILL OF RIGHTS was discussed.

City Administrator distributed new ordinance and explained changes. Attorney addressed concerns.

Mr. Crisler acknowledged the changes are significant and he is not comfortable voting at this time. He would like to see further discussion on this topic at the work session. **A motion was offered by Mr. Crisler to pull Bill No. 2388 from agenda and place on work session.** Seconded by Paul Freese. Roll call vote: Connell, yes; Freese, yes; Lindsley, yes; Edwards, yes; Moritz, yes; Lang, yes; Crisler, yes; Moss, yes; 8 yeas. **Motion carried.**

RESOLUTIONS

There were no resolutions.

MOTIONS

A motion to authorize staff to begin contract negotiations with Fribis Engineering for the I & I Study was discussed.

Mr. Edwards questioned Mr. Unrein requesting how the grading and recommendation was done. Mr. Unrein explained how this all took place and staff had recommended Woolpert.

Mr. Freeze added this is a difficult situation and staff has spent a lot of time. This I & I Study is very important.

Mr. Moss suggested that since both Woolpert and Fribis are present tonight, maybe they should be allowed to speak.

Mr. Crisler added only if they are comfortable doing so and they indicated they were.

A representative of Woolpert, Mr. Mark Kollitz, addressed the council, provided background, experience and qualifications.

In response to a question from Bill Moritz, he explained the level of service and what would be delivered as to findings, recommendations and cost benefit analysis.

Mr. Gene Fribis, of Fribis Engineering, also addressed the council. He also introduced Jeremy Lay from HDR and Ron Thurmond from Trekk. He explained many of the issues and consequences and felt much of the problem is in Ward 1.

Mr. Crisler questioned Mr. Fribis about his storm water comment as that is outside the scope of the contract.

Mr. Moritz asked the attorney if there were legalities if council went against city staff recommendations. Mr. Tesreau said there is no legal responsibility.

Bob Lindsley added he would like to see the local firm get the contract for the I & I Study.

Bill Moritz added there would be numerous phases to this project and wants it to go to one firm, not change once this is started.

Ken Moss stressed the importance of choosing right the first time and moving forward.

After much discussion, Randy Crisler offered **a motion to authorize staff to begin contract negotiations with Fribis Engineering Firm to provide an inflow and infiltration study** and he so moved. Seconded by Paul Freese. Roll call vote: Moss, yes; Connell, yes; Freese, yes; Lindsley, yes; Edwards, yes; Moritz, yes; Lang, yes; Crisler, yes, 8 yeas. **Motion carried.**

Attorney was questioned that since council has now voted to authorize staff to begin negotiations with Fribis was it necessary to vote on Woolpert. He advised either vote 'no' or withdraw the motion on Woolpert.

Randy Crisler offered **a motion to authorize staff to begin contract negotiations with Woolpert to provide an inflow and infiltration study** and he so moved. Seconded by Bill Moritz. Roll call vote: Moss, no; Connell, no; Freese, no; Lindsley, no; Edwards, no; Moritz, no; Lang, no; Crisler, no; 8 yeas. **Motion failed.**

A motion to reinstate the contract with Jefferson County Animal Control Department was offered by Jim Edwards and he so moved. Seconded by Ken Moss. Roll call vote: Moss, yes; Connell, yes; Freese, yes; Lindsley, yes; Edwards, yes; Moritz, yes; Lang, yes; Crisler, yes; 8 yeas. **Motion carried.**

NEW BUSINESS

Ken Moss reported that there is an upcoming meeting about the future of Ferd B Lang Park. He will be bringing ideas forward at the next work session.

Jim Edwards provided an ordinance that is a proposal for a sewer bill relief act that he too would like discussed at the next work session.

Mr. Crisler offered a **motion to direct staff to do an ordinance to change current ordinance so the council would now have authority to hire and fire city attorney, rather than the Mayor.** Seconded by Jim Edwards. Roll call vote: Moss, yes; Connell, yes; Freese, yes; Lindsley, no; Edwards, yes; Moritz, yes; Lang, yes; Crisler, yes; 7 yeas, 1 nay. **Motion carried.**

Attorney stated this can be done but, as an ordinance, would require 2/3 vote, 6 yes votes from council. Staff was directed to write this ordinance to mirror state statutes.

OLD BUSINESS

Bob Lindsley questioned if the water company has provided owner/renter information for the city staff for billing of our municipal services bills. Diane Waller explained the water company has been very co-operative in assisting us when requesting information.

Dan Kroupa asked for an update on the selling of the parcels of city owned land.

Greg Hall reported on the progress and Mr. Unrein added land is an asset and we want to be sure to only sell the land which will make money for the city.

Randy Crisler questioned Mary Holden regarding the Coach Mobile Home Park and their issues. Ms. Holden responded they are in contact and working with the owner and property maintenance company.

COMMITTEE REPORTS

Bill Moritz informed council that a meeting of the Liquor Committee would be needed as renewals are coming in and liquor licenses expire at the end of June.

REPORTS FROM MAYOR AND COUNCIL

Mayor Counts – Reported on city's participation today around the City Hall flagpole area in recognition of the National Day of Prayer. Added that on May 15th there will be the Mayor's 1st Annual Golf Ball Tournament and Dance. Proceeds from this event will benefit American Cancer Society Relay for Life.

Ward 4 – Jason Connell – Directed a comment towards Mr. Moritz regarding the vote on the attorney ordinance.

Ward 4 - Ken Moss – No report.

Ward 3 - Bob Lindsley - Provided document from MoDot indicating a guard cable will be located at I-55 NB on ramp from Richardson.

Ward 3 – Paul Freese – Stated Gas Company is holding a Public Hearing regarding rate increases in Arnold on May 24 and questioned if anyone knew where. Ms. Holden added it would be at the Roy Wilde Conference Center at 6 pm that day.

Ward 2 – Bill Moritz – Reported he had met with Ms. Rose regarding the Ozark Bridge and the end is in sight.

Ward 2 – Jim Edwards – Thanked Susie Boone for her assistance with a Bayshore issue.

Ward 1 –Cricky Lang – No report.

Ward 1 – Randy Crisler – stated cars are being parked outside a repair shop in his ward and shouldn't be. Asked staff to look at this situation.

City Administrator Matt Unrein – No report.

City Clerk Diane Waller – No report.

Chief Shockey - Announced City's Code Red contract has expired but the ½ cent sales tax for 911 will alert residents of dangerous weather etc. with their system.

Parks Director Susie Boone – No report.

Mary Holden – Referred to Administrative Report on Sonic's Conditional Use Permit. If the council takes no action, this will stand approved. Mr. Moritz asked that in the future, detailed diagrams be more clarified.

Bryson Baker – No report

Treasurer Dan Kroupa – No report

Attorney Dennis Tesreau – No report

Deborah Lewis – Distributed a handout on governmental accounting procedures. Advised that Commerce Bank has offered a renewal for our credit card agreement, lowering our fees if we sign for a 3-year commitment. Randy Crisler offered **a motion to proceed with the renewal with Commerce for city's credit card agreement** and so moved. Seconded by Jim Edwards. Roll call vote: Connell, yes; Freese, yes; Lindsley, yes; Edwards, yes; Moritz, yes; Lang, yes; Crisler, yes; Moss, yes; 8 yeas. **Motion carried.**

There was also much discussion about the best date and time for the Finance Committee meeting. It will now be held Thursday, May 20th at 6 pm.

Greg Hall – Talked about the P.A. system problems and indicated costs have come down. City will be moving forward to get updated.

A motion to adjourn was offered by Jim Edwards and seconded by Randy Crisler
Voice vote: all yeas.

Meeting adjourned at 8:48 pm.

Respectfully submitted,

Diane Waller

