

City of Arnold, Missouri

Public Hearing

**May 20, 2010
7:00 p.m.**

- A.** A Public Hearing Approving a New Preliminary Plat Titled Foxwood Estates.
(See Agenda Item 7 A.)
-

**Council Meeting
Council Chambers**

Immediately Following the Public Hearing

Amended Agenda

1. Pledge of Allegiance
2. Opening Prayer: Grace Free Will Baptist Church - Glenn Rehkop
3. Roll Call
4. Acceptance of Minutes: **May 6, 2010**
5. Acceptance of Warrants: **Payroll Warrant #1081- General Warrant #5523**
6. Business from the Floor:
7. Ordinance
 - A. Bill No. 2388:** An Ordinance Limiting the Use of Eminent Domain and Establishing a Property Owner's Bill of Rights.
 - B. Bill No. 2390:** An Ordinance Approving a New Preliminary Plat Titled Foxwood Estates.
 - C. Bill No. 2391:** An Ordinance Approving a Budget Amendment for Improvements to Ferd B Lang Park.
 - D. Bill No. 2392:** An Ordinance Designating Jacobs to Represent the City of Arnold Regarding the City's Connection to MSD'S Tunnel.
 - E. Bill No. 2393:** An Ordinance Amending Chapter II Relating to the Legal Department.
 - F. Bill No. 2394:** An Ordinance Amending Chapter II Relating to the Legal Department.
 - G. Bill No. 2395:** An Ordinance Amending Chapter 2, Article IV< Division 2, of the Code of Ordinance Relating to the Legal Department.

8. Resolutions
 - A. Resolution 10-09:** A Resolution Appointing Bryan Wucher to the Planning Commission.
9. Motions
 - A.** A Motion to Award the Bid for Mosquito Spraying to Adapco.
 - B.** A Motion to Authorize Staff to Begin Contract Negotiations with Oates Associates, Inc.
10. New Business
11. Old Business
12. Committee Reports
13. Reports from Mayor and Council
14. Administrative Reports
 - A. 2010-08,** Conditional Use Permit, Oasis Church, 1595 Archer Drive, Two Modular Buildings.
15. Adjournment

Next Regular Council Meeting June 3, 2010 at 7:00 p.m.
Next Work Session Meeting June 10, 2010 at 7:00 p.m.

Mayor Ron Counts called the meeting to order at 7:08 pm.

The Pledge of Allegiance was recited.

Pastor Glenn Rehkop, from Grace Free Will Baptist, offered the opening prayer.

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

ACCEPTANCE OF THE MINUTES:

Jim Edwards moved to **accept the minutes of the May 6, 2010 meeting** if there were no deletions, errors or corrections. Ken Moss seconded the motion. Roll call vote: Freese, yes; Lindsley, yes; Edwards, yes; Moritz, yes; Lang, yes; Crisler, yes; Moss, yes; Connell, yes; 8 yeas. **Motion carried.**

ACCEPTANCE OF THE WARRANTS:

City Clerk Diane Waller read **payroll warrant #1081**. **Paul Freese moved to pay payroll warrant #1081** pay period ending April 30, 2010 in the amount of \$238,998.58 if the monies are available. Seconded by Jason Connell. Roll call vote: Freese, yes; Lindsley, yes; Edwards, yes; Moritz, yes; Lang, yes; Crisler, yes; Moss, yes; Connell, yes; 8 yeas. **Motion carried.**

City Clerk Diane Waller read **general warrant #5523**. **Bob Lindsley moved to pay general warrant #5523** in the amount of \$325,042.54 if the monies are available. Seconded by Bill Moritz. Roll call vote: Freese, yes; Lindsley, yes; Edwards, yes; Moritz, yes; Lang, yes; Crisler, yes; Moss, yes; Connell, yes; 8 yeas. **Motion carried.**

A motion was offered by Randy Crisler to amend agenda to remove Bill No. 2394 and 2395 from the agenda, stating he would like to get legal opinion from the Attorney General's Office. Seconded by Cricky Lang. Roll call vote: Freese, yes; Lindsley, yes; Edwards, yes; Moritz, yes; Lang, yes; Crisler, yes; Moss, yes; Connell, 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. Dawn Fink, 751 Irene, submitted photos of the damages from rainwater to her property. Indicated city came a year ago to work on the problem and is asking they return to fix the issues.

Ms. Bernie Wilde, 3533 Swan Circle, offered for sale, golf and merchandise coupon discounts to help raise funds for the Arnold Historical Society.

Mr. Bob Boyer, 2387 Starling Airport, stated he is still waiting for council to present a free trash ordinance that was talked about in campaign literature. He questioned Mr. Crisler as to who would replace Mr. Tesreau if he was to be fired and what steps would be taken. Words were exchanged between the two and the Mayor ended that.

Mr. Joe Fritz, 1159 Starlight, wanted council aware that he felt his street is sinking on Starlight. He also questioned Mr. Unrein if city could get a Maid-Rite to locate here.

Mark Doering, Doering Engineering, introduced himself adding he is here, also representing Oasis Church. The Pastor of that church is also present if there are questions.

Mr. Karl Schoenbeck, former councilman, directed comments at Mr. Crisler and made allegations about donation money provided in previous campaign. He directed a comment at Mr. Moss, calling him Matt. Mr. Moss corrected him and advised him his name was Ken. Mr. Schoenbeck referred to a vote he made while he was on council, adding he now feels he was not provided proper information. He wants this looked at as he feels information was withheld.

Ms. Linda Poor, 10 Lamppost Lane, commended the council for bringing forward the eminent domain ordinance but requested there be an addition of "private property shall not be taken for private use or private ownership via the use of eminent domain."

Ms. Doris Borgelt, 653 Louisa, commented that after hearing of the legal ordinance, she felt Mr. Crisler, Mr. Edwards, Mr. Moss and Ms. Lang, should excuse themselves from the vote.

A motion was offered by Paul Freese to **amend agenda to move Item 14A (Conditional Use Permit for Oasis Church) to this part of the meeting.** Seconded by Bill Moritz. Roll call vote: Freese, yes; Lindsley, yes; Edwards, yes; Moritz, yes; Lang, yes; Crisler, yes; Moss, yes; Connell, yes; 8 yeas, **motion carried.**

A lot of discussion followed. Mary Holden added a few comments and questions were asked. Bill Moritz questioned the Pastor's intent as to how long these temporary buildings were meant to stay. He replied these were temporary until permanent buildings are constructed. There are Phases to this project and could cover 10 years.

Mr. Freese asked if there was another access to the property and Pastor indicated there was another, but it is also through the subdivision. State does not allow access from Highway and there are no other options.

Jim Edwards questioned city attorney of city liability and he clarified.

Mary Holden clarified the modular units were intended to only be temporary.

Cricky Lang mentioned the landscaping around the skirting and Ms. Holden acknowledged that would be added.

Ken Moss made **a motion to exercise council right to review and report back to Planning and Zoning after getting more input and more feedback by holding a Public Hearing.** Seconded by Randy Crisler. Roll call vote: Freese, yes; Lindsley, yes; Edwards, yes; Moritz, no; Lang, yes; Crisler, yes; Moss, yes; Connell, yes; 7 yeas, 1 nay, motion carried.

Mr. Unrein indicated Public Hearing should be scheduled now. Mary Holden explained the 15-day requirement notice adding the hearing could be held the 2nd meeting of June.

ORDINANCES

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

Paul Freese stated he wanted to see a "d" added to section 2 "private property shall not be taken for private use or private ownership via the use of eminent domain."

Bob Lindsley asked for an explanation of what does this mean. Attorney explained and added the city can certainly do this. Connell states he wants more time.

Lindsley announced he will vote for this but questioned who wrote the ordinance. Comments were made by Moss, Lang and Edwards indicating there were many folks involved in putting this together, a lot of time and effort went into this and what does it really matter.

A motion was offered by Paul Freese to **amend Bill No. 2388 and add “d” to Section 2 as follows: Private property shall not be taken for private use or private ownership via the use of eminent domain.** Seconded by Ken Moss. Roll call vote: Freese, yes; Lindsley, yes; Edwards, yes; Moritz, yes; Lang, yes; Crisler, yes; Moss, yes; Connell, no 7 yeas, 1 nay. **Motion passed.**

Bill No. 2388 AN ORDINANCE LIMITING THE USE OF EMINENT DOMAIN AND ESTABLISHING A PROPERTY OWNER’S BILL OF RIGHTS (AS AMENDED) was read twice by City Clerk Diane Waller. Roll call vote: Freese, yes; Lindsey, yes; Edwards, yes; Moritz, yes; Lang, yes; Crisler, yes; Moss, yes; Connell, yes, 8 yeas, **Ordinance passed.**

Bill No. 2390 AN ORDINANCE APPROVING A NEW PRELIMINARY PLAT TITLED FOXWOOD ESTATES was read twice by City Clerk Diane Waller. Roll call vote: Freese, yes; Lindsley, yes; Edwards, yes; Moritz, yes; Lang, yes; Crisler, yes; Moss, yes; Connell, yes; 8 yeas. **Ordinance passed.**

Bill No. 2391 AN ORDINANCE PROVIDING FOR AN ADJUSTMENT TO THE FISCAL YEAR 2010 BUDGET was read twice by City Clerk Diane Waller. Roll call vote: Freese, yes; Lindsley, yes; Edwards, yes; Moritz, yes; Lang, yes; Crisler, yes; Moss, yes; Connell, yes; 8 yeas. **Ordinance passed.**

Bill No. 2392 AN ORDINANCE DESIGNATING JACOBS TO REPRESENT THE CITY OF ARNOLD, MISSOURI WORKING WITH METROPOLITAN SEWER DISTRICT ON PROJECTS REGARDING THE CITY’S CONNECTION TO MSD’S TUNNEL was read twice by City Clerk Diane Waller. Roll call vote: Freese, yes; Lindsley, yes; Edwards, yes; Moritz, yes; Lang, yes; Crisler, yes; Moss, yes; Connell, yes; 8 yeas. **Ordinance passed.**

Bill No. 2393 AN ORDINANCE PROVIDING FOR THE APPOINTMENT AND REMOVAL OF THE CITY ATTORNEY AND CITY PROSECUTOR was discussed.

Bob Lindsley shared that he had compared the fees submitted by previous city attorney, Mr. Sweeney and current city attorney Mr. Tesreau for the same period. Mr. Tesreau's fees were considerably less and Mr. Lindsley shared his feelings that he felt this ordinance was being done out of revenge and is wrong and inappropriate. Mr. Crisler explained and clarified that Mr. Sweeney's fees were a result of a lot of litigation last year and asked Mr. Unrein to comment. Mr. Unrein asked Mr. Tesreau and Mr. Tesreau replied, "If I was doing more, I would bill more."

Bill No. 2393 AN ORDINANCE PROVIDING FOR THE APPOINTMENT AND REMOVAL OF THE CITY ATTORNEY AND CITY PROSECUTOR was read twice by City Clerk Diane Waller. Roll call vote: Freese, yes; Lindsley, no; Edwards, yes; Moritz, yes; Lang, yes; Crisler, yes; Moss, yes; Connell, no; 6 yeas, 2 nays, **Ordinance passed.**

Bill No. 2394 AN ORDINANCE PROVIDING FOR THE APPOINTMENT AND REMOVAL OF THE CITY ATTORNEY AND CITY PROSECUTOR had been pulled.

Bill No. 2395 AN ORDINANCE AMENDING CHAPTER 2, ARTICLE IV, DIVISION 2, OF THE CODE OF ORDINANCES RELATING TO THE LEGAL DEPARTMENT had been pulled.

RESOLUTIONS

Resolution No. 10-09 - A resolution **appointing Bryan Wucher to the Planning Commission** for the remainder of a four-year term was discussed. **A motion was offered by** Bill Moritz to approve the appointment and he so moved. Seconded by Jim Edwards. Roll call vote: Freese, yes; Lindsley, yes; Edwards, yes; Moritz, yes; Lang, yes; Crisler, yes; Moss, yes; Connell, yes; 8 yeas. **Resolution passed.**

MOTIONS

A motion to award the bid for Mosquito Spraying to Adapco was discussed. Jim Edwards offered a motion and so moved to award to Adapco for \$6,193.50. Cricky Lang seconded the motion. Roll call vote: Freese, yes; Lindsley, yes; Edwards, yes; Moritz, yes; Lang, yes; Crisler, yes; Moss, yes; Connell, yes; 8 yeas, **motion carried.**

A motion to authorize staff to begin contract negotiations with Oates Associated, Inc. to provide architectural design services of the community building/public works offices for the City of Arnold was discussed. Jim Edwards offered **a motion to authorize staff to begin contract negotiations with Oates Associates, Inc. to provide architectural design services of the community building/public works offices for the City of Arnold** and he so moved. Seconded by Paul Freeze. Roll call vote: Freeze, yes; Lindsley, yes; Edwards, yes; Moritz, yes; Lang, yes; Crisler, yes; Moss, yes; Connell, yes; 8 yeas. **Motion carried.**

NEW BUSINESS

Ken Moss reported he has heard rumors about Arnold Days being something else. Mayor acknowledged there has been a committee working on this and they will be bringing ideas forward. Mr. Moss expressed he would like to be a part of this and be involved. Mayor encouraged him and other council members to do so.

Paul Freeze asked staff to look at our ordinances relating to derelict buildings - the vacant Burger King and Blockbuster buildings in particular.

Mary Holden replied the Building Appeals Board addresses this under dangerous structures.

Cricky Lang reported she has seen a Fribis truck in the area and it appears they are working; yet there is no contract and questioned this activity. Bryson Baker reported Fribis is presently gathering data due to the rainfall and Mr. Unrein added this is for our benefit to do this now with weather conditions as they are. Attorney acknowledged we have no contract and there is no risk to the city at this time in doing this.

Mr. Moss questioned the legalities if Fribis was to go into our sewer system. Again, attorney stated we have no legal contract and therefore no liability.

OLD BUSINESS

Randy Crisler referred to the storm water problems Ms. Fink spoke of earlier in the meeting. He questioned if this was a result of the recent significant rain events or an ongoing issue. Asked that staff look into this.

COMMITTEE REPORTS

Bob Lindsley announced there is an Economic Development Meeting Friday at 9 a.m. with the members recently appointed by the Mayor and approved by the council.

Bill Moritz reported the Aging and Disability Commission met today. He questioned Bryson Baker about street signage and Mr. Baker offered to bring sample signage to a meeting for input from this council.

Dan Kroupa reported the Finance Committee met tonight and had a good meeting.

REPORTS FROM MAYOR AND COUNCIL

Mayor Counts – Reported on the Finance Meeting, indicating he feels it will be a plus for the city. Future meetings will be held at 5:30 on the second Thursday of the month. Reported the Mayors Ball and Golf Tournament was a success, raising money for the American Cancer Society, despite the rain. The Main Event, between the Fire and Police Departments, is this weekend and encouraged all to attend as this raises funds for Backstoppers.

Ward 1 – Randy Crisler – Added this event is the 5th Annual at our park and almost every year there are weather challenges. It is a wonderful event, for a good cause and most likely will be moved to an indoor location next year.

Ward 2 - Bill Moritz – Added the Backstoppers offer funds in support to fallen Police and Fire Department personnel. Elaborated on another event Hats Off in Jefferson County where donations will be accepted and encouraged participation.

Ward 4 – Jason Connell – No Report

Ward 4 – Ken Moss - No Report

Ward 3 – Bob Lindsley – No Report

Ward 3 – Paul Freese – No Report

Ward 2 – Jim Edwards – No Report

Ward 1 –Cricky Lang – No Report

City Administrator Matt Unrein – Reported there is a Newly Elected Officials Conference in June and would provide information to those interested. He also indicated he received a request **for permission to have fireworks for Relay for Life on June 4 and First Baptist Church on July 4** and our ordinance requires council authorization to do this. Randy Crisler offered a motion to authorize fireworks for both dates. Seconded by Bob Lindsley. Roll call vote: Freese, yes; Lindsley, yes; Edwards, yes; Moritz, yes; Lang, yes; Crisler, yes; Moss, yes, Connell, yes; 8 yeas, **motion carried**.

City Clerk – Diane Waller – No Report

Chief Shockey - Announced the Main Event begins at noon on Saturday and encouraged attendance. Added that if everyone donated \$1.00 during the fund raising event Memorial Day this would really help the Backstoppers.

Parks Director Susie Boone – No Report

Mary Holden – Announced city has received plans to review for Wendy's.

Bryson Baker – Stated the emergency generator is in place at Public Works so if power goes out, we are ready. Reported that Department of Natural Resources auditor was here this week. Mark Migneco worked with them and they were impressed and were here only 3 hours compared to their anticipated audit of a few days.

Dan Kroupa – No Report

Attorney Dennis Tesreau – No Report

Deborah Lewis – No Report

Greg Hall – No Report

Mayor stated there are numerous committee openings. If anyone is interested, please provide a short resume for consideration.

A motion to adjourn was offered by Paul Freese and seconded by Bob Lindsley. Voice vote: all yeas.

Page 9
Regular meeting
May 20, 2010

Meeting adjourned at 8:27 pm.

Respectfully submitted,

Diane Waller

