

Mary Ellen Cox

From: Bryan Richison
Sent: Monday, May 3, 2021 10:32 AM
To: Mary Ellen Cox
Subject: Council 5-6-2021 Zoom Info

Bryan Richison is inviting you to a scheduled Zoom meeting.

Topic: City Council (5-6-21)
Time: May 6, 2021 07:00 PM Central Time (US and Canada)

Join Zoom Meeting
<https://us02web.zoom.us/j/81510267102?pwd=dWVkeGFvUkJVam1UdTF6UVRmK1ROU09>

Meeting ID: 815 1026 7102
Passcode: 841417
One tap mobile
+13017158592,,81510267102#,,,,*841417# US (Washington DC)
+13126266799,,81510267102#,,,,*841417# US (Chicago)

Dial by your location
+1 301 715 8592 US (Washington DC)
+1 312 626 6799 US (Chicago)
+1 646 558 8656 US (New York)
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
+1 669 900 9128 US (San Jose)

Meeting ID: 815 1026 7102
Passcode: 841417

City of Arnold, Missouri

**Public Hearing
Council Chamber**

**May 6, 2021
7:00 P.M.**

- A. PC-2021-07 Immaculate Conception Parish (Zoning Amendment)
 - B. PC-2021-20 Fireworks Stands (Zoning Ordinance Amendment)
-

City Council

Immediately Following the Public Hearing

Zoom Link – Internet Audio/Video:

<https://us02web.zoom.us/j/81510267102?pwd=dWVkeGFvUkJKVam1UdTF6UVRmK1ROU09>

Dial-in Number: 1-312-626-6799 Meeting ID: 815 1026 7102 Passcode: 841417

Agenda

1. Pledge of Allegiance and Opening Prayer
2. Roll Call
3. Business from the Floor
4. Consent Agenda:
 - A. Regular Council Minutes **April 15, 2021**
 - B. Payroll Warrant **#1367 in the Amount of \$328,790.02**
 - C. General Warrant **#5785 in the Amount of \$1,269,635.14**
5. Ordinances:
 - A. **Bill #2785** – An Ordinance Amending Chapter 600, Alcoholic Beverages, Articles I and II of the Code of Ordinances Relating to Liquor Licenses.
 - B. **Bill #2786** – An Ordinance Rezoning a Tract of Land at 2318 Church Road City of Arnold, Jefferson County, Missouri from “R5” Residence District to “C3” Commercial District.
 - C. **Bill #2787** – An Ordinance of the City Council of the City of Arnold, Missouri, Amending Chapter 405 of the Arnold Code of Ordinances by

Adding “Fireworks Stands” as a Permitted or Conditional Use in Various Zoning Districts.

D. Bill # 2788: An Ordinance Providing for the Amendment of the Fiscal Year 2021 Budget.

6. Resolutions:

- A. **Resolution 21-20:** A Resolution Authorizing the Mayor to Enter into an Agreement with Skyscraper Marine, LLC., DBA Tubbs & Son Construction for the Demolition and Site Restoration of Two Residential Buildings at 1838 Old Lemay Ferry Road and 1840 Old Lemay Ferry Road.
- B. **Resolution 21-21:** A Resolution Authorizing the Mayor to Enter into an Agreement with Weissco Power, LLC. for the Installation of a UPS (Uninterrupted Power System)/Elis System at the Arnold Recreation Center at 1695 Missouri State Road.
- C. **Resolution 21-22:** A Resolution Authorizing the Purchase of Six (6) Chevy Tahoes for the Police Department.
- D. **Resolution 21-23:** A Resolution Re-Appointing Various Individuals to Serve on Different Boards with Different Expiration Dates.
- E. **Resolution 21-24:** A Resolution Authorizing the Mayor to Approve Change Order #1 to the Asphalt Street Repair Contract with NB West Contracting to Perform Additional Asphalt Street Repairs.
- F. **Resolution 21-25:** A Resolution Authorizing the Mayor to Approve Change Order #1 to the Concrete Street Repair Contract with E Meier Contracting, Inc. to Perform Additional Concrete Street Repairs.
- G. **Resolution 21-26:** A Resolution Authorizing a Payment to Midwest Testing for Engineering Services Related to the Ridgecrest Retaining Wall.
- H. **Resolution 21-27:** A Resolution Approving Addendum B to Extend the Contract and Utilize Unused Credits Due to Extraordinary Circumstances Related to the Covid – 19 Pandemic.

7. Motions:

- A. 2021-09 A Request for Approval of a Conditional Use Permit for S & J Sno-Ball.
- B. A Motion to Retroactively Approve a Catering Liquor License for Topsy Pony Party Bar.

8. Reports from Mayor and Council:

9. Administrative Reports:

10. Adjournment:

Z:\CITYDOCS\AGENDA\COUNCIL\2021 Agenda\2021 05 06.docx
5/3/21

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

The council meeting was a hybrid meeting with both Zoom and in person attendance due to COVID. The City provided a link as well as a dial-in number to attend via Zoom.

The pledge of allegiance was recited and councilman Jason Fulbright offered the prayer.

Those present per roll call taken by City Clerk Tammi Casey: Mayor Counts, Hood, McArthur, Fulbright, Seidenstricker, Cooley, Mullins, Plunk, Fleischmann (via Zoom), Richison, Bookless, Lehmann, Sweeney, Brown, Wagner, Kroupa and Major Carroll.

MAYOR'S APPRECIATION AWARD

Mayor Counts presented a proclamation and Mayor's Appreciation Award to Vern Sullivan for his long-standing service to the City of Arnold and declared April 15th Vern Sullivan Day. Not only has Mr. Sullivan served on the city council for numerous terms, he has also served on many committees and boards and volunteered extensively for the Arnold Food Pantry.

BUSINESS FROM THE FLOOR

Anthony Ferguson, 932 W Main Street, Festus, MO – Spoke to council regarding his desire to have the City Code changed to allow more than one tattoo parlor per 25,000 residents. He would like to open a shop in Arnold but currently cannot due to the Code restraints.

ORGANIZATION OF THE COUNCIL

A. ELECTION OF MAYOR PRO-TEM

EJ Fleischmann nominated Jason Fulbright. The nomination was seconded by Gary Plunk. As no other names were offered, Mayor Counts closed the floor for nominations. Jason Fulbright, by acclamation, was elected as Mayor Pro-Tem.

B. MAYORAL COMMITTEE APPOINTMENTS

Butch Cooley made a motion and so moved to approve the Mayoral Committee appointments as presented by Mayor Counts, a copy of which is hereto attached and made part of this record. Seconded by Mark Hood. Roll call vote: Hood, yes; McArthur, yes; Fulbright, yes; Seidenstricker, yes; Cooley, yes; Mullins, yes; Plunk, yes; Fleischmann, yes; 8 Yeas: **Motion carried.**

CONSENT AGENDA

- A. REGULAR COUNCIL & PUBLIC HEARING MINUTES MARCH 18, 2021**
- B. PAYROLL WARRANT NO 1364 IN THE AMOUNT OF \$305,837.80**
- C. PAYROLL WARRANT NO 1365 IN THE AMOUNT OF \$307,296.94**
- D. PAYROLL WARRANT NO 1366 IN THE AMOUNT OF \$314,536.08**
- E. GENERAL WARRANT NO 5783 IN THE AMOUNT OF \$1,103,348.90**
- F. GENERAL WARRANT NO 5784 IN THE AMOUNT OF \$392,637.93**

Butch Cooley made a motion and so moved to approve the consent agenda. Seconded by Jason Fulbright. Roll call vote: Hood, yes; McArthur, yes; Fulbright, yes; Seidenstricker, yes; Cooley, yes; Mullins, yes; Plunk, yes; Fleischmann, yes; 8 Yeas: **Consent agenda approved.**

ORDINANCES

BILL NO 2782 – AN ORDINANCE AMENDING TITLE V BUILDINGS AND CONSTRUCTION OF THE MUNICIPAL CODE BY THE ADDITION OF A NEW CHAPTER, ARTICLE AND PROVISIONS REGARDING RIGHT-OF-WAY USAGE AND CERTAIN WIRELESS FACILITIES was read twice by City Clerk Tammi Casey. Roll call vote: Hood, yes; McArthur, yes; Fulbright, yes; Seidenstricker, yes; Cooley, yes; Mullins, yes; Plunk, yes; Fleischmann, yes; 8 Yeas: **Ordinance passed.**

BILL NO 2783 – AN ORDINANCE ADDING CHAPTER 605.400 TO THE CITY OF ARNOLD MUNICIPAL CODE PERTAINING TO MOBILE FOOD VEHICLES was read twice by City Clerk Tammi Casey. Roll call vote: Hood, yes; McArthur, yes; Fulbright, yes; Seidenstricker, yes; Cooley, yes; Mullins, yes; Plunk, yes; Fleischmann, yes; 8 Yeas: **Ordinance passed.**

BILL NO 2784 – AN ORDINANCE REGULATING ICE CREAM TRUCKS, PEDDLERS, SOLICITORS AND CANVASSERS, ESTABLISHING REGISTRATION REQUIREMENTS FOR THE FORMER TWO, ESTABLISHING PROTECTIONS FOR HOMEOWNERS DESIRING TO AVOID PEDDLERS, SOLICITORS, AND CANVASSERS, REGULATING HANDBILLS AND PROVIDING PENALTIES FOR VIOLATIONS was read twice by City Clerk Tammi Casey. Roll call vote: Hood, yes; McArthur, yes; Fulbright, yes; Seidenstricker, yes; Cooley, yes; Mullins, yes; Plunk, yes; Fleischmann, yes; 8 Yeas: **Ordinance passed.**

RESOLUTIONS

RESOLUTION NO 21-13 – A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH NB WEST CONTRACTING TO UNDERTAKE THE ASPHALT STREET OVERLAY AND REPAIR PROJECT FOR THE CITY OF ARNOLD

Jason Fulbright made a motion and so moved to approve Resolution No 21-13. Seconded by Butch Cooley. Roll call vote: Hood, yes; McArthur, yes; Fulbright, yes; Seidenstricker, yes; Cooley, yes; Mullins, yes; Plunk, yes; Fleischmann, yes; 8 Yeas: **Resolution passed.**

RESOLUTION NO 21-14 – A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH TRAFFIC CONTROL COMPANY TO UNDERTAKE THE CITY STREET AND PARKING LOT STRIPING PROJECT FOR THE CITY OF ARNOLD

Jason Fulbright made a motion and so moved to approve Resolution No 21-14. Seconded by Mark Hood. Roll call vote: Hood, yes; McArthur, yes; Fulbright, yes; Seidenstricker, yes; Cooley, yes; Mullins, yes; Plunk, yes; Fleischmann, yes; 8 Yeas: **Resolution passed.**

RESOLUTION NO 21-15 – A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MULTI-YEAR CONTRACT WITH PORTABLE WATER CLOSET

Robert Sweeney recommended amending the motion to include the phrase, “**waiving normal bidding procedures, based on staff recommendations.**”

Rodney Mullins made a motion and so moved to approve Resolution No 21-15, as amended. Seconded by Jason Fulbright. Roll call vote: Hood, yes; McArthur, yes; Fulbright, yes; Seidenstricker, yes; Cooley, yes; Mullins, yes; Plunk, yes; Fleischmann (lost internet connection); 7 Yeas: **Resolution passed.**

RESOLUTION NO 21-16 – A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH BYRNE ELECTRIC COMPANY TO UNDERTAKE THE 2912 ARNOLD TENBROOK ELECTRIC UPGRADE AND HVAC ELECTRIC PROJECT FOR THE CITY OF ARNOLD

Jason Fulbright made a motion and so moved to approve Resolution No 21-16. Seconded by Rodney Mullins. Roll call vote: Hood, yes; McArthur, yes; Fulbright, yes; Seidenstricker, yes; Cooley, yes; Mullins, yes; Plunk, yes; Fleischmann (lost internet connection); 7 Yeas: **Resolution passed.**

RESOLUTION NO 21-17 – A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH LEGACY CONTRACT GROUP TO UNDERTAKE THE 2912 ARNOLD TENBROOK HVAC PROJECT FOR THE CITY OF ARNOLD

Butch Cooley made a motion and so moved to approve Resolution No 21-17. Seconded by Mark Hood. Roll call vote: Hood, yes; McArthur, yes; Fulbright, yes; Seidenstricker, yes; Cooley, yes; Mullins, yes; Plunk, yes; Fleischmann (lost internet connection); 7 Yeas: **Resolution passed.**

RESOLUTION NO 21-18 – A RESOLUTION AUTHORIZING A TEMPORARY IMMUNIZATION CENTER

Jason Fulbright made a motion and so moved to approve Resolution No 21-18. Seconded by Gary Plunk. Roll call vote: Hood, yes; McArthur, yes; Fulbright, yes; Seidenstricker, yes; Cooley, yes; Mullins, yes; Plunk, yes; Fleischmann (lost internet connection); 7 Yeas: **Resolution passed.**

RESOLUTION NO 21-19 – A RESOLUTION AUTHORIZING THE SUBMITTAL OF PROPOSED NECESSARY EXPENSES RELATED TO CORONAVIRUS DISEASE 2019 (COVID-19) FOR REVIEW BY JEFFERSON COUNTY PRIOR TO THEIR PURCHASE

Jason Fulbright made a motion and so moved to approve Resolution No 21-19. Seconded by Rodney Mullins. Roll call vote: Hood, yes; McArthur, yes; Fulbright, yes; Seidenstricker, yes; Cooley, yes; Mullins, yes; Plunk, yes; Fleischmann, yes; 8 Yeas: **Resolution passed.**

MOTIONS

- A. A MOTION TO HOLD A CLOSED SESSION IMMEDIATELY FOLLOWING THE CITY COUNCIL MEETING FOR THE PURPOSE OF DISCUSSING PERSONNEL, LITIGATION AND REAL ESTATE PURSUANT TO RSMo SECTION 610.021 (1) (2) AND (3)**

Jason Fulbright made a motion and so moved to hold a Closed Session immediately following the City Council meeting. Seconded by Brian McArthur. Roll call vote: Hood, yes; McArthur, yes; Fulbright, yes; Seidenstricker, yes; Cooley, yes; Mullins, yes; Plunk, yes; Fleischmann, yes; 8 Yeas: **Motion carried.**

REPORTS FROM MAYOR, COUNCIL AND COMMITTEES

Mayor Counts - Congratulated the newly elected, especially Butch Cooley who is now serving his ninth term as a councilman. Mayor Counts also thanked Dickie Brown for his service to the City as its Park and Recreation Director and wished him the best of luck in his new endeavors.

Jason Fulbright – Congratulated the newly elected and stated he is looking forward to serving as Mayor Pro-Tem this year.

Tim Seidenstricker – Congratulated the newly elected.

Rodney Mullins – Stated that he has purchased a family membership to the Arnold Rec Center and challenges his fellow council members to do the same.

Gary Plunk – Thanked Dickie Brown for his service to the City and congratulated the newly elected.

Mark Hood – Thanked Dickie Brown for his service and congratulated the newly elected. A special congratulations to Butch Cooley for serving his ninth term as a council member.

ADMINISTRATIVE REPORTS

Bryan Richison – Congratulated the newly elected. Mr. Richison also thanked Dickie Brown for his hard work and dedication to the City as the Parks and Recreation Director. He has done a fantastic job and will be greatly missed.

Tammi Casey – Congratulated the newly elected and Jason Fulbright for his election as Mayor Pro-Tem. Ms. Casey also wished Dickie Brown the best of luck in his move, he will be sorely missed and has been a pleasure to work with.

David Bookless – Echoed everyone's statements.

Judy Wagner – Congratulated the newly elected and wished Dickie Brown the best of luck.

Bill Lehmann – Congratulated the newly elected and wished Dickie Brown the best of luck.

Dickie Brown – Congratulated the newly elected and stated it has been a pleasure working for the City of Arnold.

Bob Sweeney – Congratulated the newly elected and told Mr. Brown it was been a pleasure working with him.


Mayor Counts announced a 10-minute recess before going into Closed Session.

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Closed Session ended at 9:10 p.m.

A motion to adjourn the meeting was made by Jason Fulbright. Seconded by Mark Hood.
Roll call vote: Hood, yes; McArthur, yes; Fulbright, yes; Seidenstricker, yes; Cooley, yes;
Mullins, yes; Plunk, yes; Fleischmann, yes; 8 Yeas: **Motion carried.**

Meeting adjourned at 9:10 p.m.


City Clerk Tammi Casey, CMC/MRCC-S

CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: REGULAR

DATE: 4/15/2021

PAGE: 1

BILL NO - RESOLUTION - MOTION

COUNCIL MEMBERS:

		ROLL CALL	MOTION TO APPROVE MAYORAL COMMITTEE APPOINTMENTS	CONSENT AGENDA	BILL NO 2782	BILL NO 2783	BILL NO 2784	
MAYOR	RON COUNTS	PRESENT						
COUNCIL:	MARK HOOD	PRESENT	YES	YES	YES	YES	YES	
COUNCIL:	BRIAN MCARTHUR	PRESENT	YES	YES	YES	YES	YES	
COUNCIL:	JASON FULBRIGHT	PRESENT	YES	YES	YES	YES	YES	
COUNCIL:	TIM SEIDENSTRICKER	PRESENT	YES	YES	YES	YES	YES	
COUNCIL:	BUTCH COOLEY	PRESENT	YES	YES	YES	YES	YES	
COUNCIL:	RODNEY MULLINS	PRESENT	YES	YES	YES	YES	YES	
COUNCIL:	GARY PLUNK	PRESENT	YES	YES	YES	YES	YES	
COUNCIL:	EJ FLEISCHMANN	VIA ZOOM	YES	YES	YES	YES	YES	
CITY ADMINISTRATOR	BRYAN RICHISON	PRESENT	PARKS DIR:		DICKIE BROWN	PRESENT		
CITY CLERK	TAMMI CASEY	PRESENT	PUBLIC WORKS:		JUDY WAGNER	PRESENT		
COM DEV	DAVID BOOKLESS	PRESENT	TREASURER:		DAN KROUPA	PRESENT		
FINANCE DIRECTOR	BILL LEHMANN	PRESENT	POLICE DEPT.		MAJOR CARROLL	PRESENT		
CITY ATTORNEY	BOB SWEENEY	PRESENT						

CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: REGULAR

DATE: 4/15/2021

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BILL NO - RESOLUTION - MOTION

		BILL NO 2784	RESOLUTION NO 21-13	RESOLUTION NO 21-14	RESOLUTION NO 21-15	RESOLUTION NO 21-16	RESOLUTION NO 21-17
COUNCIL MEMBERS:							
MAYOR	RON COUNTS						
COUNCIL:	MARK HOOD	YES	YES	YES	YES	YES	YES
COUNCIL:	BRIAN MCARTHUR	YES	YES	YES	YES	YES	YES
COUNCIL:	JASON FULBRIGHT	YES	YES	YES	YES	YES	YES
COUNCIL:	TIM SEIDENSTRICKER	YES	YES	YES	YES	YES	YES
COUNCIL:	BUTCH COOLEY	YES	YES	YES	YES	YES	YES
COUNCIL:	RODNEY MULLINS	YES	YES	YES	YES	YES	YES
COUNCIL:	GARY PLUNK	YES	YES	YES	YES	YES	YES
COUNCIL:	EJ FLEISCHMANN	YES	YES	YES	LOST INTERNET	LOST INTERNET	LOST INTERNET
CITY ADMINISTRATOR	BRYAN RICHISON				PARKS DIR:	DICKIE BROWN	
CITY CLERK	TAMMI CASEY				PUBLIC WORKS:	JUDY WAGNER	
COM DEV	DAVID BOOKLESS				TREASURER:	DAN KROUPA	
FINANCE DIRECTOR	BILL LEHMANN				POLICE DEPT.	CHIEF SHOCKEY	
CITY ATTORNEY	BOB SWEENEY						

CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: REGULAR

DATE: 4/15/2021

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BILL NO - RESOLUTION - MOTION

COUNCIL MEMBERS:

MAYOR RON COUNTS

COUNCIL: MARK HOOD

COUNCIL: BRIAN MCARTHUR

COUNCIL: JASON FULBRIGHT

COUNCIL: TIM SEIDENSTRICKER

COUNCIL: BUTCH COOLEY

COUNCIL: RODNEY MULLINS

COUNCIL: GARY PLUNK

COUNCIL: EJ FLEISCHMANN

CITY ADMINISTRATOR BRYAN RICHISON

CITY CLERK TAMMI CASEY

COM DEV DAVID BOOKLESS

FINANCE DIRECTOR BILL LEHMANN

CITY ATTORNEY BOB SWEENEY

RESOLUTION NO 21-18	RESOLUTION NO 21-19	MOTION TO HOLD CLOSED SESSION			
YES	YES	YES			
YES	YES	YES			
YES	YES	YES			
YES	YES	YES			
YES	YES	YES			
YES	YES	YES			
YES	YES	YES			
LOST INTERNET	YES	YES			
			PARKS DIR:	DICKIE BROWN	
			PUBLIC WORKS:	JUDY WAGNER	
			TREASURER:	DAN KROUPA	
			POLICE DEPT.	CHIEF SHOCKEY	

MAYORAL COMMITTEE APPOINTMENTS 2021/2022

Planning Commission – Brian McArthur

Parks and Leisure Service Board – Butch Cooley/Gary Plunk

Police Pension Review Board – Tim Seidenstricker

Tourism Commission – Mark Hood / Jason Fulbright / Tim Seidenstricker

Commission on Aging & Disabilities – Mark Hood

Liquor Committee – Tim Seidenstricker / Butch Cooley / Rodney Mullins

Finance/Budget/Economic Development Committee- Jason Fulbright /
Mark Hood

Farmers' Market Committee – E. J. Fleischmann

Veterans Commission – Gary Plunk / Rodney Mullins

Historic Preservation – Jason Fulbright

Foundation Commission – Mayor Ron Counts / Bryan Richison

Beautification Commission – E. J. Fleischmann / Tim Seidenstricker

The Liaison Between the City and The Following Committees will be:

Chamber of Commerce – Bryan Richison

Economic Development of Jefferson County – Bryan Richison/Dave
Bookless

Jefferson County Municipal League –Bryan Richison

BILL NO. 2785

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 600, ALCOHOLIC BEVERAGES,
ARTICLES I AND II OF THE CODE OF ORDINANCES RELATING TO
LIQUOR LICENSES**

WHEREAS, the City of Arnold (“City”) provides liquor licenses for duly qualified persons and organizations; and

WHEREAS, the City wishes to update its municipal code to include a certain type of liquor license currently offered by the State of Missouri Alcohol and Tobacco Control, but not offered by the City; and

WHEREAS, it is the desire of the City to include a Catering Liquor License to the types of liquor licenses offered by the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARNOLD, MISSOURI, AS FOLLOWS:

Section 1. Chapter 600, Alcoholic Beverages, Article I, Section 600.010, Licenses Offered, of the Code of Ordinances is hereby amended with the addition of the following:

“(8) Temporary Caterers License”

Section 2. Chapter 600, Alcoholic Beverages, Article I, Section 600.020, Definitions, of the Code of Ordinances is hereby amended with the addition of the following definition:

“TEMPORARY CATERERS LICENSE – A temporary license issued to caterers or other persons/organizations holding a valid liquor license with the State of Missouri to sell intoxicating liquor by the drink at retail, pursuant to the provisions of this article, who furnish provisions and service for use at a particular function, occasion, or event, at a location other than the licensed premises, effective for a period not to exceed 48 hours, which shall authorize the serving of alcoholic beverages for on-premises consumption.”

Section 3. Chapter 600, Alcoholic Beverages, Article II, Section 600.250, License Fees, Description, in Lieu of, Disposition, Time of Sale, of the Code of Ordinances is hereby amended with the addition of the following:

“8. *Temporary Caterers License.* Issued for the temporary sale of all types of intoxicating liquor at retail by the drink for consumption on the premises where sold by the licensed catering company between the hours of 11:00 A.M. and Midnight for the function in which it was hired to cater. Said permit shall be issued only for the day or days named therein and it shall not authorize the sale of the aforesaid beverages for more than two (2) days. The fee for this license shall be fifteen dollars (\$15.00) per event. A separate license must be obtained for each event. “

Section 4. This Ordinance shall be in full force and effect from and after its passage by the City Council and its approval by the Mayor.

SIGNATURES ON FOLLOWING PAGE

READ TWO TIMES, PASSED AND APPROVED THIS _____ DAY OF MAY 2021.

Presiding Officer of the City Council

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

1st reading: _____

2nd reading: _____

APPROVED AS TO FORM:

City Attorney Robert Sweeney

Z:\CITYDOCS\ORDINANC\2021\2785 Ordinance Liquor License
Amendment Catering.docx

May 6, 2021

AN ORDINANCE REZONING A TRACT OF LAND AT 2318 CHURCH ROAD, CITY OF ARNOLD, JEFFERSON COUNTY, MISSOURI FROM “R-5” RESIDENCE DISTRICT TO “C-3” COMMERCIAL DISTRICT.

WHEREAS, an application to rezone a tract of land known as 2318 Church Rd. or “Immaculate Conception Consolidated Lot 1”; and further identified in Jefferson County records as Parcel ID: 01-9.0-29.0-2-002-059. and displayed as “Exhibit 1.” has been submitted to the City of Arnold, and

WHEREAS, the proper public hearings have been held, pursuant to City Ordinance and the laws of the State of Missouri, and

WHEREAS, the Planning Commission has submitted its report and recommendation to the City Council to not approve the proposed rezoning of 2318 Church Road from “R-5” Residence District to “C-2” Commercial District, and

WHEREAS, the Council finds that this rezoning request meets the conditions in that the extension of an existing boundary where said change will not be detrimental and where it is shown that such change is necessary for public convenience or necessity; or there has been significant change in the area to warrant a change in zoning classification; or it is shown that a mistake was made in the original Zoning Map; or a change that would make the zoning classification reflect the proposed use in the land use plan of the City of Arnold; or other changes where it is shown to be in the best interests for the health, safety, and welfare of the citizens of the City of Arnold.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ARNOLD, MISSOURI, AS FOLLOWS:

Section 1. The property identified as 2318 Church Road is hereby rezoned from “R-5” Residence District to “C-3” Commercial District

Section 2: This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and City Council.

READ TWO TIMES, PASSED AND APPROVED ON THIS _____ DAY OF MARCH 2021.

Signatures on following page

Presiding Officer of the Council

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

1st reading: _____

2nd reading: _____

APPROVED AS TO FORM:

City Attorney Robert Sweeney

EXHIBIT 1

ZONING PLAN
for
IMMACULATE CONCEPTION PARISH

DATE OF ISSUE: 12.18.2010 BY: CEDDC FOR THE CITY OF ARNOLD, MISSOURI

LEGEND

1/4" = 1' (Scale)	1/8" = 1' (Scale)	1/16" = 1' (Scale)
1/32" = 1' (Scale)	1/64" = 1' (Scale)	1/128" = 1' (Scale)
1/256" = 1' (Scale)	1/512" = 1' (Scale)	1/1024" = 1' (Scale)
1/2048" = 1' (Scale)	1/4096" = 1' (Scale)	1/8192" = 1' (Scale)
1/16384" = 1' (Scale)	1/32768" = 1' (Scale)	1/65536" = 1' (Scale)
1/131072" = 1' (Scale)	1/262144" = 1' (Scale)	1/524288" = 1' (Scale)
1/262144" = 1' (Scale)	1/524288" = 1' (Scale)	1/1048576" = 1' (Scale)
1/524288" = 1' (Scale)	1/1048576" = 1' (Scale)	1/2097152" = 1' (Scale)
1/1048576" = 1' (Scale)	1/2097152" = 1' (Scale)	1/4194304" = 1' (Scale)
1/2097152" = 1' (Scale)	1/4194304" = 1' (Scale)	1/8388608" = 1' (Scale)
1/4194304" = 1' (Scale)	1/8388608" = 1' (Scale)	1/16777216" = 1' (Scale)
1/8388608" = 1' (Scale)	1/16777216" = 1' (Scale)	1/33554432" = 1' (Scale)
1/16777216" = 1' (Scale)	1/33554432" = 1' (Scale)	1/67108864" = 1' (Scale)
1/33554432" = 1' (Scale)	1/67108864" = 1' (Scale)	1/134217728" = 1' (Scale)
1/67108864" = 1' (Scale)	1/134217728" = 1' (Scale)	1/268435456" = 1' (Scale)
1/134217728" = 1' (Scale)	1/268435456" = 1' (Scale)	1/536870912" = 1' (Scale)
1/268435456" = 1' (Scale)	1/536870912" = 1' (Scale)	1/1073741824" = 1' (Scale)
1/536870912" = 1' (Scale)	1/1073741824" = 1' (Scale)	1/2147483648" = 1' (Scale)
1/1073741824" = 1' (Scale)	1/2147483648" = 1' (Scale)	1/4294967296" = 1' (Scale)
1/2147483648" = 1' (Scale)	1/4294967296" = 1' (Scale)	1/8589934592" = 1' (Scale)
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CITY COUNCIL AGENDA ITEM STAFF REPORT

MEETING DATE:	May 6, 2021
TITLE:	PC-2021-07 Immaculate Conception Parish (Zoning Amendment)
DEPARTMENT:	Community Development
PROJECT MANAGER:	Sarah Turner, Community Development Planner
REQUESTED ACTION:	Approval
ATTACHMENTS:	(1) Staff Report to Planning Commission; (2) Draft Planning Commission Meeting Minutes; (3) Draft Ordinance

EXECUTIVE SUMMARY:

The requested Zoning change is from the “R-5” Residence District to the “C-3” Commercial District at 2318 Church Rd. as provided in the Arnold Zoning Ordinance. This application was submitted by Civil Engineering Design Consultants on behalf of the property owner, Immaculate Conception Catholic Parish. The proposed zoning is not substantially inconsistent with the Comprehensive Plan and satisfies the review criteria as defined in the Zoning Ordinance.

REVIEW & ANALYSIS:

At its April 13, 2021 meeting, the Planning Commission was presented with the Staff Report for this Zoning Amendment request and opened the public hearing. In 2018, the property was consolidated from six (6) parcels to one (1) and was rezoned to “R-5” Residence District due to the parcels having conflicting Zoning classifications. However, the parish is seeking to update signage along its three (3) street frontages and is limited by the signage permitted to residential properties. Immaculate Conception is surrounded by “C-3” Commercial properties. Staff found that this request satisfied the review criteria for changes in district boundaries and recommended its approval.

RECOMMENDATION:

On April 13, 2021, the Planning Commission, by a vote of 8 to 0, voted to recommend approval of the Zoning Amendment. An ordinance in the affirmative has been provided.



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

APPLICATION NUMBER: PC-2021-07

APPLICATION NAME: IMMACULATE CONCEPTION

APPLICANT NAME: Civil Engineering Design Consultants, Inc.
Alison Gauch
10820 Sunset Office Dr., Ste. 200
St. Louis MO 63127

PROPERTY OWNER NAME: Jefferson County Catholic Real Estate
Immaculate Conception Parish
20 Archbishop May Dr.
St. Louis MO 63119

APPLICANT'S REQUEST: A request for a change of Zoning from the "R-5" Residence District to the "C-3" Commercial District as provided in the Arnold Zoning Ordinance.

STREET ADDRESS: 2318 Church Rd.

SITE LOCATION: Immediately East of Interstate 55, along north side of Church Rd. North of Jeffco Blvd. and Church Rd. intersection.

CURRENT ZONING DISTRICT: "R-5" Residence District

PARCEL ID: 01-9.0-29.0-2-002-059

TOTAL SITE AREA: 19.7 acres

MEETING DATE: April 13, 2021

REPORT DATE: April 6, 2021

CASE MANAGER: Sarah Turner

RECOMMENDATION: **APPROVE**



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

DESCRIPTION OF EXISTING SITE CONDITIONS

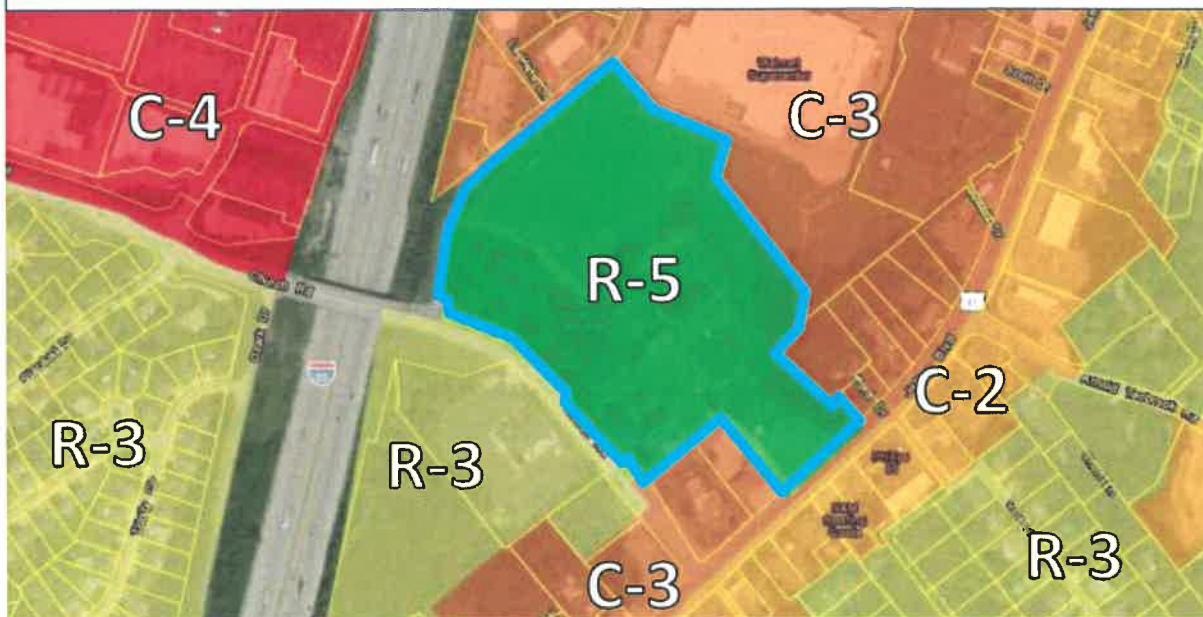
The approximately 19.7 acre tract is located along the north side of Church Rd., between Interstate 55 and Jeffco Blvd. The property has three frontages: Church Rd., Jeffco Blvd., and Michigan Ave. It is the site of Immaculate Conception Parish Campus and all related operations (main church, school, cemetery, etc.).



LAND USE AND ZONING CONTEXT MATRIX

DIRECTION	EXISTING LAND USE	ZONING DISTRICT	COMMENTS
North	Commercial	C-3	Water Tower Place shopping development
East	Commercial	C-3, C-2	Mixed commercial along Jeffco Blvd.
South	Commercial, Institutional	C-3	Bank, Fire District Station No. 1
West	Institutional	R-3	VFW, Interstate 55

ZONING MAP



Immaculate Conception Catholic Parish

REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



ZONING REQUEST/PROPOSAL

The applicant is seeking to amend and replace the "R-5" Residence District at 2318 Church Rd. to the "C-3" Commercial District as provided in the Arnold Zoning Ordinance.

COMPREHENSIVE PLAN CONSISTENCY REVIEW

A consistency review of the goals, objectives, and policies of the Comprehensive Plan, as they relate to the current request, follows:

GOALS, OBJECTIVES, AND POLICIES:

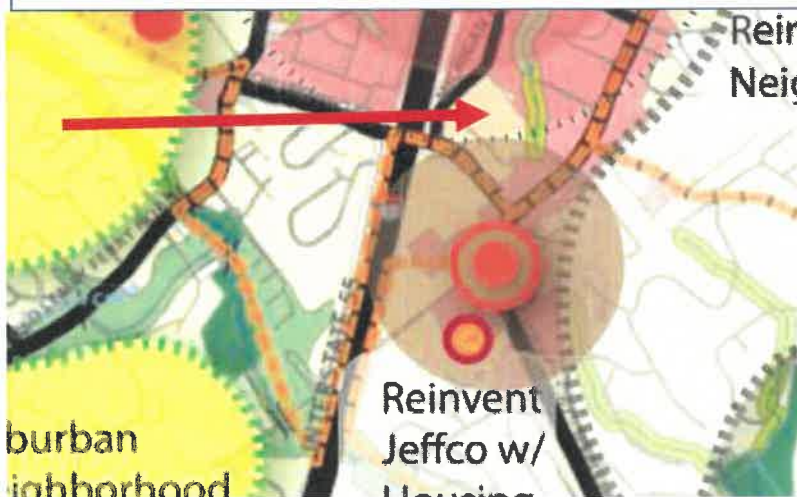
LAND USE POLICY LU 3 ENCOURAGE, FACILITATE, AND TARGET DEVELOPMENT IN EXISTING WATER AND SEWER SERVICE AREAS AND ON VACANT AND UNDERUTILIZED PARCELS THROUGH INNOVATION, FLEXIBILITY, AND STREAMLINING.

LAND USE POLICY LU 9.1 APPLY COMPATIBLE USES COMMERCIAL DEVELOPMENT SHOULD BE COMPATIBLE WITH NEARBY DEVELOPMENT AND ADEQUATELY BUFFERED TO MITIGATE ADVERSE IMPACTS ON RESIDENTIAL NEIGHBORHOODS.

CITY PLANNER'S COMMENTS

Substantially Satisfied: This rezoning would facilitate a streamlined and consistent "C-3" Commercial District in the surrounding area north of Church Rd. The property is not adjacent to residential dwellings and the institutional use is compatible with surrounding uses (bank, offices, other institutions).

FUTURE LAND USE MAP



The subject property is shown as "Residential" on the FLUM, although this designation might be a legacy of the "R-5" Residence District zoning. It is on the outskirts of a new housing node and is surrounded by commercial uses and Interstate 55. The parish and its uses are not substantially inconsistent with the Comprehensive Plan and FLUM.

PC-2021-07 REZONING



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

BACKGROUND

The subject property, 2318 Church Rd., is the site of Immaculate Conception Parish. Immaculate Conception is the oldest Catholic parish in the County and has been on this site since 1839. The existing church was constructed in 1895 and the school buildings date to 1957 and 1984. Various other structures, athletic fields, and parking areas on the campus were built between 1946 and 2000.

Prior to 2018, the parish's 19.7 acre campus was composed of six parcels under the same ownership. The zoning district of the parcels was a mix of "R-5" Residence and "C-3" Commercial. In June 2018, City Council approved a record plat to consolidate the six parcels into one parcel. A condition of approval was that the parcel must have a consistent zoning district before the City will sign the plat for recording. In July 2018, City Council approved a change of zoning for the consolidated lot to "R-5" Residence to clear out the issue of the dual zoning districts.

In late 2020, representatives of Immaculate Conception Parish approached the Community Development Department about updating and standardizing their signage along the property's three street frontages. However, due to the "R-5" Residence zoning designation, the property is limited in the amount of signage it is permitted. The parish was provided with its options and chose to pursue a rezoning application in late February of 2021.

The application and request was routed to City Departments and reviewing agencies. The only comment Staff received from Judy Wagner, the City Engineer and Director of Public Works: "In the future if entrances onto Michigan or Church Rd are improved or modified a commercial entrance will be required." This rezoning request does not include planned developments beyond the ability to install desired signage. Proposed signage is not included or needed in this application. New signs are reviewed by Staff during the building permit process.

FIGURE 1: STREETVIEW (SEPT. 2018) VIEWED FROM CHURCH RD.



Immaculate Conception Catholic Parish

REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



PLANNING AND ZONING ANALYSIS

When reviewing applications for changes in zoning, or amendments thereto, the Planning Commission is required to hold a hearing, review, and make recommendations and report to the City Council.

PROPOSAL & ANALYSIS OF APPLICABLE REGULATIONS

As stated above, the instigating factor of this rezoning application is the parish's desire to unify and standardize the signage for the parish on its various street frontages. The following is a discussion of various sections of the City's Sign Code as it relates to the parish and its plans.

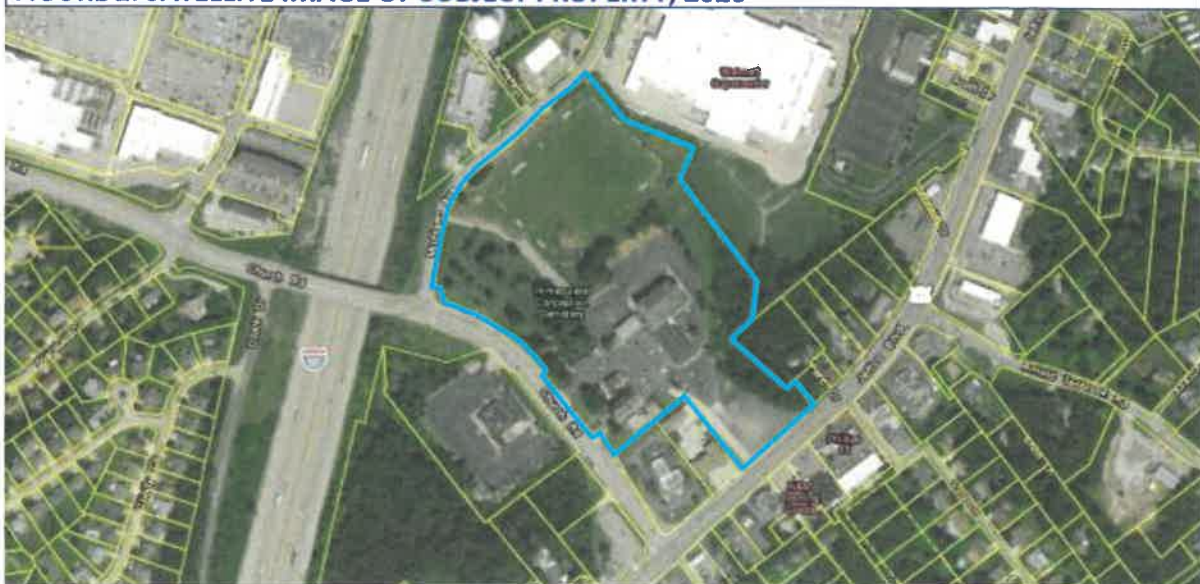
The parish has a variety of community offerings, although the primary uses are Immaculate Conception Church and Holy Child Catholic School. The property has frontage along three well-trafficked roadways: Jeffco Blvd., Church Rd., and Michigan Ave. The parish is seeking to be able to install signage on each of the three frontages. This background information combined with the "R-5" Residence District zoning designation and existing signage results in a limited-opportunity situation for updating the property's signage.

The subject property's current zoning as "R-5" Residence District means the following sign regulations apply, per Section 415.120:

For permitted non-residential uses, including churches and synagogues, one (1) freestanding sign not to exceed forty-eight (48) square feet in sign area, and one (1) wall sign not to exceed forty-eight (48) square feet in sign area.

This restriction to one (1) freestanding and one (1) wall sign is per *use*, not per frontage. Based on this Code and the two primary uses on the property, *the parish is allowed two (2) freestanding signs and two (2) wall signs for the entire campus*. It is important to note that this

FIGURE 2: SATELLITE IMAGE OF SUBJECT PROPERTY, 2020





REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

PLANNING AND ZONING ANALYSIS —CONTINUED

figure does not include directional/incidental signs under 9 square feet, as those don't require permits and are not restricted in number. Some of the parish's signs are in excess of Code requirements and are legal pre-existing non-conforming signage.

The parish's options are to work within the current zoning and signage regulations, or to request a rezoning to a district that would allow for more signage. The properties adjacent to the parish north of the corner of Church and Jeffco are zoned "C-3" Commercial, which was also the zoning designation of some of the parish's parcels prior to the 2018 consolidation. By nature, "C" Commercial districts are more signage-intense than "R" Residence districts. If the parish were in the "C-3" Commercial District, whose sign regulations can be found in [Section 415.140](#), the property would have many more options for freestanding signage:

One (1) freestanding sign per street frontage not to exceed one (1) square foot of sign area for each lineal foot of property frontage. Such signs may not exceed a height of fifty (50) feet and must be set back at least ten (10) feet from the property line. Where street frontage exceeds three hundred (300) lineal feet, one (1) additional freestanding sign may be allowed per three hundred (300) foot increments.

Applying this regulation to the subject property, the parish would be able to install at least one (1) freestanding sign at each frontage. In the case of the Church Rd. and Michigan Ave. property lines, since the lineal feet of the street frontage exceeds 300 feet, there could possibly be two (2) freestanding signs on those frontages. At this time, as Staff understands it, the intention is to install just the one (1) sign at each street frontage. The "C-3" Commercial District provides the sign regulations that better fit the parish's plans, which had not yet been conceptualized at the time of the 2018 consolidation and rezoning. Due to the above sign regulations and the review criteria discussed in the next section of this report, the parish is pursuing this rezoning application.

FIGURE 3: STREETVIEW (AUG. 2019) VIEWED FROM JEFFCO BLVD.



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



REVIEW CONDITIONS ANALYSIS

ZONING CHANGES AND AMENDMENTS CONDITIONS

The review criteria as provided in Section 405.260, Zoning Changes and Amendments, of the Zoning Ordinance are listed below in *italics*. Full statements from the applicant's narrative (Exhibit B) in response to how this request meets the conditions are quoted in **bold**.

Changes in district boundaries or classifications, or restrictions shall only be approved under the following conditions:

- a. *The extension of an existing boundary where said change will not be detrimental and where it is shown that such change is necessary for public convenience or necessity;*

Applicant Response: **"This parcel is currently surrounded on two and a half sides by C3 zoning, with Michigan Ave/I-55 and Church Road on the remaining borders. The proposed rezoning will extend the C-3 zoning down to Church [Road] from I-55 to Jeffco Blvd. This is consistent with the City's New Direction Land Use Map."**

Staff Response: As shown on the Future Land Use Map on page 4, there are two types of existing land uses: "Residential" or "Commercial Industrial". The parish campus is an institutional use that lies between these two, and was likely listed as "Residential" on the 2011 Comprehensive Plan due to the "R-5" Residence zoning of the pre-consolidation parcel containing the main address (2318 Church Rd). The proposed property's change to a "C-3" Commercial District would be more intensive to make room for the parish's desired signage. However, the proposed "C-3" District is consistent with abutting properties as the applicant describes, as seen on page 3 on the Zoning Map.

FIGURE 4: STREETVIEW (AUG. 2018) VIEWED FROM MICHIGAN/CHURCH INTERSECTION





REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

REVIEW CONDITIONS ANALYSIS—CONTINUED

b. There has been significant change in the area to warrant a change in zoning classification;

Applicant Response: “The Church would like to install signage at each of its three (3) entrances located on Church Road, Jeffco Boulevard, and Michigan Avenue. The current R-5 zoning district allows one (1) sign per parcel. A change to C-3 zoning district would allow one (1) sign per street frontage. This change is necessary to allow proper signage at multiple entrances that are on different parcels.”

Staff Response: Immaculate Conception Parish has changed and grown over the years with the City of Arnold. The three roadways around the parish have become arterials between various residential and commercial areas of the City. The changes have been coming for a long time, and Staff finds that these changes warrant an update to the zoning designation for the parish.

c. It is shown that a mistake was made in the original Zoning Map;

Applicant Response: “This parcel was consolidated by Ordinance 14.516. Prior to consolidation, the parcel consisted of six (6) lots with R-5 and C-3 zoning districts. Per Staff recommendation, this parcel was rezoned R-5 by Ordinance 14.520 to comply with consolidation plat conditional requirements stating the parcel to contain a single zoning district. The Church did not have the current signage planned at such time; therefore, the Staff would not have taken it into consideration in choosing the single zoning district. The change would put the parcel in the correct district to comply with sign requirements.”

Staff Response: There has not necessarily been a mistake in the original Zoning Map; the Immaculate Conception Parish is simply a unique property and situation. The parish predates the City of Arnold and the former City of Maxville. Staff confirms that signage was not brought up during the comment period or discussion of the 2018 consolidation plat or rezoning applications.

FIGURE 5: SITE PHOTO (MARCH 2021) OF MICHIGAN AVE FRONTAGE



Immaculate Conception Catholic Parish

REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



REVIEW CONDITIONS ANALYSIS—CONTINUED

- d. *A change that would make the zoning classification reflect the proposed use in the land use plan of the City of Arnold; or*

Applicant Response: “Four of the six pre-consolidated parcels were rezoned from C-3 to R-5. Rezoning to the C-3 district complies with the City of Arnold land use.”

Staff Response: The existing and future land use are one in the same, as there are no development plans or changes beyond standardized signage. The proposed change in zoning classification would more accurately reflect the signage needs of a historic Catholic parish campus.

- e. *Other changes where it is shown to be in the best interests for the health, safety, and welfare of the citizens of the City of Arnold.*

Applicant Response: “The Church would like to install signage at each entrance [to] allow for convenient communication. Proper signage is essential to public convenience.”

Staff Response: Immaculate Conception Parish has a number of non-conforming signs and has acknowledged this fact. The proposed zoning change would allow for the parish to have at least one updated and standardized sign for the property at each of its three frontages, as well as allow for streamlined and consistent districting in this area.

FIGURE 5: SITE PHOTO (MARCH 2021) OF CHURCH RD FRONTAGE



PC-2021-07 REZONING



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

RECOMMENDATION

CONSISTENCY WITH THE COMPREHENSIVE PLAN AND REGULATIONS OF THE CITY

Staff finds that the proposed change of zoning is consistent with the Comprehensive Plan and Regulations of the City of Arnold.

CONSISTENCY WITH GOOD PLANNING PRACTICE

Staff finds that the proposed change of zoning is consistent with good planning practice.

COMPATIBILITY WITH PERMITTED DEVELOPMENT AND USE IN ADJOINING DISTRICTS

Staff finds that the proposed change of zoning is compatible with permitted development and uses in adjoining districts.

NECESSARY TO THE GENERAL WELFARE

Staff finds that the proposed change of zoning will have no substantial adverse impact on promotion of the health, safety, quality of life, comfort and general welfare of the city, and further is necessary to promote well-planned development in the City.

RECOMMENDATION

Staff finds that the proposed change of zoning from "R-5" Residence District to "C-3" Commercial at 2318 Church Rd. meets the review criteria and further advances the intent of both the Comprehensive Plan and Zoning Ordinance. Based on this finding, Staff requests favorable consideration of the application.

A handwritten signature in black ink, appearing to read "Sarah Turner", written over a horizontal line.

Sarah Turner
Community Development Planner



ATTACHMENTS

EXHIBIT A: SITE PLAN

EXHIBIT B: APPLICANT NARRATIVE



REPORT TO PLANNING COMMISSION CITY OF ARNOLD

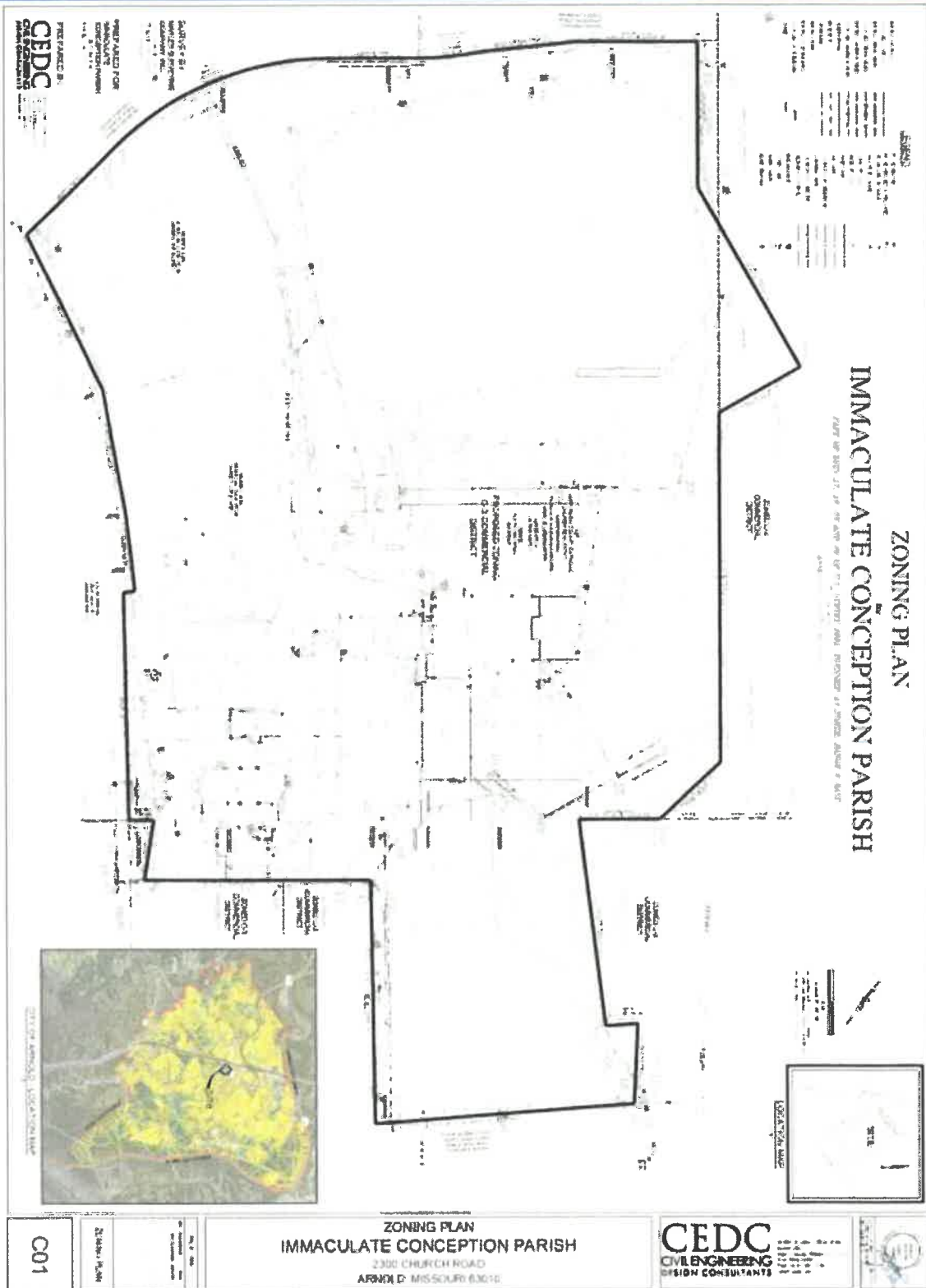


EXHIBIT A: SITE PLAN

Immaculate Conception Catholic Parish

REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



March 8, 2021

Mr. David Bookless, AICP
Community Development Director
City of Arnold
2101 Jeffco Boulevard
Arnold, Missouri 63010

RE: Request for Rezoning
Immaculate Conception Parish
2318 Church Road, Arnold, Missouri 63010
Parcel ID 01-9-0-0-29-0-2-002-059

Dear Mr. Bookless,

On behalf of our Client, Immaculate Conception Parish, we are requesting the City of Arnold rezone Parcel 01-9-0-0-29-0-2-002-059 from R5 to C3.

The City of Arnold passed Ordinance 14.516 allowing Immaculate Conception Parish to consolidate five (5) adjoining taxing parcels into one (1) single taxing parcel, with the condition that the consolidated parcel is rezoned to one district. Per the Staff recommendation, the City of Arnold subsequently passed Ordinance 14.520 allowing to rezone four (4) of the consolidated parcels from C3 to R5, thus meeting the plat requirement.

Per the zoning code, there are five potential criteria for rezoning.

1. The extension of an existing boundary where said change will not be detrimental and where it is shown that such change is necessary for public convenience or necessity.
 - a. This parcel is currently surrounded on two and a half sides by C3 zoning, with Michigan Ave/I-55 and Church Road on the remaining borders. The proposed rezoning will extend the C-3 zoning down to Church Street from I-55 to Jeffco Blvd. This is consistent with the City's New Direction Land Use Map.
2. There has been a significant change in the area to warrant a change in zoning classification
 - a. The Church would like to install signage at each of its three (3) entrances located on Church Road, Jeffco Boulevard and Michigan Avenue. The current R-5 zoning district allows one (1) sign per parcel. A change to C-3 zoning district would allow one (1) sign per street frontage. This change is necessary to allow proper signage at multiple entrances that are on different streets.

EXHIBIT B: APPLICANT NARRATIVE, PG. 1

PC-2021-07 REZONING



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

3. It is shown that a mistake was made in the original Zoning Map
 - a. This parcel was consolidated by Ordinance 14.516. Prior to consolidation, the parcel consisted of six (6) lots with R-5 and C-3 zoning districts. Per Staff recommendation, this parcel was rezoned R-5 by Ordinance 14.520 to comply with consolidation plat conditional requirements stating the parcel to contain a single zoning district. The Church did not have the current signage planned at such time; therefore, the Staff would not have taken it into consideration in choosing the single zoning district. The change would put the parcel in the correct district to comply sign requirements.
4. A change that would make the zoning classification reflect the proposed use in the land use plan of the City of Arnold.
 - a. Four of the six pre-consolidated parcels were rezoned from C-3 to R-5. Rezoning to the C-3 district complies with the City of Arnold land use.
5. Other changes where it is shown to be in the best interest for the health, safety, and welfare of the citizens of the City of Arnold.
 - a. The Church would like to install signage at each entrance allow for convenient communication. Proper signage is essential to public convenience.

Please contact this office should you have any questions or require additional information.

Sincerely,
Civil Engineering Design Consultants, Inc.

A handwritten signature in blue ink that reads "Alison Gauch".

Alison Gauch, P.E.



PLANNING COMMISSION MEETING CONDUCTED VIRTUALLY April 13, 2021

MINUTES

Due to Federal, state, county, and municipal emergency orders related to the coronavirus (COVID-19) pandemic, this meeting was conducted virtually in compliance with applicable regulations.

REGULAR SESSION

1. **CALL TO ORDER:** The regular meeting of the Arnold Planning Commission was called to order by Chairman Andrew Sutton at 7:00 p.m.
2. **ROLL CALL OF COMMISSIONERS:** Alan Bess, Steve Buss, Jeff Campbell, Phil Hogan, Frank Kutilek, Justin Lurk (Excused), Brian McArthur, Chad Miller, Del Williams, Andrew Sutton. **STAFF:** David Bookless (Community Development Director), Christie Hull-Bettale (Engineer/Planner), Sarah Turner (Planner), Robert Sweeney (City Attorney).
3. **APPROVAL OF MINUTES:** Motion by Jeff Campbell to approve the minutes from the March 23, 2021 meeting. Second by Del Williams. *Voice vote:* Approved 9-0.
4. **PUBLIC HEARINGS:**
 - a. **PC-2020-20 Building and Site Design Standards (Text Amendment):** Mr. Sutton stated that this hearing is to remain open for further discussion.
 - b. **PC-2021-07 Immaculate Conception (Rezoning):** Motion by Hogan to open the hearing. Second by Williams. Mr. Sutton introduced the project. Kutilek recused himself from the discussion and vote for PC-2021-07, stating that he is an active member of the Immaculate Conception Parish and has been involved with this application on the Parish's behalf. Mr. Sweeney agreed with the recusal. Ms. Turner presented her report which recommended favorable consideration of the application. Alison Gauch of CEDC Civil Engineering Design Consultants, a representative of the applicant, introduced herself. The Commission had no questions of Staff or the applicant. Motion by Hogan to close the hearing. Second by Campbell.
 - c. **PC-2021-09 S&J Sno-Ball (Conditional Use Permit):** Motion by Campbell to open the hearing. Second by Buss. Mr. Sutton introduced the project. Ms. Turner presented her report which recommended favorable consideration of the application with eight (8) conditions of use. The applicant had been on the Zoom call initially but was disconnected. The Commission had no questions of Staff. Motion by Campbell to close the hearing. Second by Hogan.
 - d. **PC-2021-10 Fireworks Stands (Text Amendment):** Motion by Campbell to open the hearing. Second by Kutilek. Mr. Sutton introduced the project. Mr. Bookless presented his report which recommended favorable consideration of the text amendment. Mr. Bookless referred to Council Liaison McArthur and Mr. Sweeney if they had any additional information to add on the project, as the proposal had been directed by City Council. Council Liaison McArthur and Mr. Sweeney were satisfied with Mr. Bookless' proposal. Mr. Sutton asked if the amendment made any changes to the hours of operation for fireworks stands. Mr. Bookless clarified that the stands may open an hour earlier, at 8:00am rather than 9:00am, and close at their current time in the early evening. No further questions. Motion by Campbell to close the hearing. Second by Kutilek.

5. ADJOURNMENT OF REGULAR SESSION: Adjourned by Sutton at 7:18 p.m.

EXECUTIVE SESSION

6. NEW BUSINESS:

- a. **PC-2021-07 Immaculate Conception (Rezoning):** Motion by Campbell to recommend approval. Second by Williams. No further discussion. *Roll call vote:* Alan Bess, yes. Brian McArthur, yes. Del Williams, yes. Frank Kutilek, recused. Jeff Campbell, yes. Steve Buss, yes. Phil Hogan, yes. Chad Miller, yes. Andrew Sutton, yes. 8 yeas. – Motion Passes.
- b. **PC-2021-09 S&J Sno-Ball (Conditional Use Permit):** Motion by Campbell to recommend approval with the eight (8) conditions contained in the Staff Report. Second by Buss. No further discussion. *Roll call vote:* Alan Bess, yes. Brian McArthur, yes. Del Williams, yes. Frank Kutilek, yes. Jeff Campbell, yes. Steve Buss, yes. Phil Hogan, yes. Chad Miller, yes. Andrew Sutton, yes. 9 yeas. – Motion Passes.
- c. **PC-2021-10 Fireworks Stands (Text Amendment):** Motion by Campbell to recommend approval. Second by Hogan. Mr. Sutton asked for clarification on changes proposed to the permitted hours of operation. Mr. Bookless provided the clarification. No further discussion. *Roll call vote:* Alan Bess, yes. Brian McArthur, yes. Del Williams, yes. Frank Kutilek, yes. Jeff Campbell, yes. Steve Buss, yes. Phil Hogan, yes. Chad Miller, yes. Andrew Sutton, yes. 9 yeas. – Motion Passes.

7. ANNOUNCEMENTS: Mr. Bookless provided an update about the retaining wall behind Jimmy John's. The next meeting is scheduled for April 27, 2021. Council Liaison McArthur commended the work being done on the Richardson Road concrete replacement. Mr. Hogan thanked the Commission and Staff for the well wishes sent to him while he was in poor health.

8. ADJOURNMENT: Motion by Campbell to adjourn. Second by Kutilek. *Voice vote:* Approved 9-0. Meeting adjourned at 7:30 p.m.

Respectfully Submitted,

Alan Bess
Planning Commission Secretary

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARNOLD, MISSOURI, AMENDING CHAPTER 405 OF THE ARNOLD CODE OF ORDINANCES BY ADDING “FIREWORKS STANDS” AS A PERMITTED OR CONDITIONAL USE IN VARIOUS ZONING DISTRICTS.

WHEREAS, the City Council of the City of Arnold desires to amend Chapter 405 of the Arnold Code of Ordinances.

WHEREAS, the proper public hearings have been held, pursuant to City Ordinance and the laws of the state of Missouri.

WHEREAS, the Planning Commission has submitted its report and recommendation to the City Council on the proposed amendments to Chapter 405 of the Arnold Code of Ordinances; and

WHEREAS, the City Council voted to amend Chapter 405 of the Arnold Code of Ordinances.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARNOLD, MISSOURI, AS FOLLOWS:

SECTION 1. Section 405.110, paragraph “A”, “R-1” Residence District, subparagraph (1)(b), of the Arnold Code of Ordinances is amended to add “Fireworks Stands” as a conditional use.

SECTION 2. Section 405.110, paragraph “B”, “R-2” Residence District, subparagraph (1)(b) , of the Arnold Code of Ordinances is amended to add “Fireworks Stands” as a conditional use.

SECTION 3. Section 405.110, paragraph “C”, “R-3” Residence District, subparagraph (1)(b) , of the Arnold Code of Ordinances is amended to add “Fireworks Stands” as a conditional use.

SECTION 4. Section 405.110, paragraph “D”, “R-4” Residence District, subparagraph (1)(b) , of the Arnold Code of Ordinances is amended to add “Fireworks Stands” as a conditional use.

SECTION 5. Section 405.110, paragraph “E”, “R-5” Residence District, subparagraph (1)(b) , of the Arnold Code of Ordinances is amended to add “Fireworks Stands” as a conditional use.

SECTION 6. Section 405.110, paragraph “F”, “R-6” Residence District, subparagraph (1)(b) , of the Arnold Code of Ordinances is amended to add “Fireworks Stands” as a

conditional use.

SECTION 7. Section 405.120, paragraph “A”, “C-1” Commercial District, subparagraph (1)(a), of the Arnold Code of Ordinances is amended to add “Fireworks Stands” as a permitted use.

SECTION 8. Section 405.120, paragraph “B”, “C-2” Commercial District, subparagraph (1)(a), of the Arnold Code of Ordinances is amended to add “Fireworks Stands” as a permitted use.

SECTION 9. Section 405.120, paragraph “C”, “C-3” Commercial District, subparagraph (1)(a), of the Arnold Code of Ordinances is amended to add “Fireworks Stands” as a permitted use.

SECTION 10. Section 405.130, paragraph “A”, “M-1” Commercial District, subparagraph (1)(a), of the Arnold Code of Ordinances is amended to add “Fireworks Stands” as a permitted use.

SECTION 11. Section 405.130, paragraph “B”, “M-2” Industrial District, subparagraph (2), of the Arnold Code of Ordinances is amended to add “Fireworks Stands” as a permitted use.

SECTION 12. Section 405.150, Use and Zoning Performance Standards, paragraph “A” of the Arnold Code of Ordinances is amended to add subparagraph “F”, as follows:

“Fireworks Stands. Fireworks Stands, as defined and regulated in Chapter 215 (Offenses) Article XIV and Chapter 605 (Business Regulations) Article II of the Code of Ordinances, may be conditionally permitted within parcels located within the “R-1”, “R-2”, “R-3”, “R-4”, “R-5, or “R-6” Residential Zoning Districts, provided such parcels are not utilized for residential or residential-related uses. Uses not considered residential or residential-related may include houses of worship; fraternal orders, labor unions, and similar organizations; professional membership organizations; and other membership organizations for social, educational or recreational purposes.”

SECTION 12. If any part of this Ordinance is found to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction, such invalidity shall not affect the validity or effectiveness of the remaining provisions of this Ordinance or any part thereof and said Ordinance shall be read as if said invalid provision was struck therefrom and the context thereof changed accordingly with the remainder of the Ordinance to be and remain in full force and effect.

SECTION 13. All ordinances, resolutions or orders, or parts thereof, which conflict with the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed.

SECTION 14. This ordinance shall be in full force and effect from and after its passage and approval.

READ TWO TIMES, PASSED AND APPROVED ON THIS _____ DAY OF _____, 2021.

Presiding Officer of the Council

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

First Reading: _____

Second Reading: _____

APPROVED AS TO FORM:

City Attorney Robert Sweeney



CITY COUNCIL AGENDA ITEM STAFF REPORT

MEETING DATE:	May 6, 2021
SUBJECT:	PC-2021-20 Fireworks Stands (Zoning Ordinance Amendment)
DEPARTMENT:	City Attorney, City Clerk, Community Development
PROJECT MANAGER:	David B. Bookless
ACTION:	Approval
ATTACHMENTS:	(1) Staff Report to Planning Commission; (2) Draft Planning Commission Meeting Minutes; (3) Draft Ordinance

Background

After discussion at the March 11, 2021 work session, the City Council, at its March 18, 2021 meeting, approved two ordinances regulating the sale and discharge of fireworks, the operation of fireworks stands and associated business licensing. The Council further directed Staff to take a Zoning Ordinance text amendment to the Planning Commission to regulate the location of fireworks stands to allow stands “by right” in all commercial and industrial zoning districts and by conditional use permit in residential districts only where the subject property is developed with uses other than dwellings, such as churches and not-for-profit private clubs.

Analysis

Fireworks stands have historically been located in areas that are primarily non-residential in nature, however they are not currently addressed in the Zoning Ordinance. The Planning Commission considered the approach proposed by Council, and after discussion, agreed with it.

RECOMMENDATION:

On April 13, 2021, the Planning Commission, by a vote of 9 to 0, voted to recommend approval of the Zoning Ordinance text amendment as presented.



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

APPLICATION #: PC-2021-10

APPLICATION NAME: Application to Amend Municipal Code Chapter 405 (Zoning) - Fireworks Stands

APPLICANT: City of Arnold

REQUEST: A City-initiated request to amend Chapter 405, Zoning, of the Code of Ordinances to modify zoning requirements for fireworks stands.

MEETING DATE: March 26, 2021

REPORT DATE: April 13, 2021

CASE MANAGER: David B. Bookless, AICP

RECOMMENDATION: **APPROVAL**



REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

BACKGROUND

The City's Zoning Ordinance was adopted by the City Council on June 30, 1977. A number of amendments have been approved with the most recent being a major reorganization of the Code on October 15, 2020. Periodic revision is essential if the ordinances are to maintain a rational land use pattern. Changes should not be made in an arbitrary manner. Significant updates to the Zoning Ordinance are best undertaken following an update of the Comprehensive Plan. Nevertheless, clarification of information contained in the Zoning Ordinance may be appropriate at any time.

After discussion at the March 11, 2021 work session, the City Council, at its March 18, 2021 meeting, approved two ordinances regulating the sale and discharge of fireworks, fireworks stands, and business licensing. The Council further directed Staff to take a Zoning Ordinance text amendment to the Planning Commission to regulate the location of fireworks stands.

DISCUSSION/ANALYSIS

The analysis by Staff that follows is intended to allow the Planning Commission to reach the most informed decision possible and to facilitate discussion. Such discussion is important to identify and consider any potential unintended consequences of the proposed amendment.

PERMITTED VERSUS CONDITIONAL USES

The Zoning Ordinance distinguishes between permitted and conditional land uses in all zoning districts. When noted as *permitted*, they are allowed "by right" in that zoning district. When noted as *conditional*, they require additional review by the Planning Commission and Council. The purpose of making certain uses conditional is that those uses present unique problems with respect to their proper location and relationship to other uses.

Examples of such unique problems might be that the use may have significant visual impacts upon the neighborhood, or there might be the potential for traffic or internal concerns related to drive-through facilities, pedestrian activity, or outdoor storage. The Zoning Ordinance contains criteria, in Section 405.870(A)(1), for reviewing conditional uses that must be satisfied in order for the Commission to recommend approval to the Council, as follows:

- a. *Consistent with good planning practice;*
- b. *Can be operated in a manner that is not detrimental to the permitted developments and uses in the district;*
- c. *Can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area;*
- d. *Deemed essential or desirable to preserve and promote the public health, safety, and general welfare of the City of Arnold.*

In approving such conditional uses, the Planning Commission shall impose such conditions as it determines necessary to satisfy the criteria established in this paragraph.

REPORT TO PLANNING COMMISSION

CITY OF ARNOLD



The Commission may impose conditions intended to mitigate potential adverse impacts as identified in its review. Conditions that the Commission might impose can vary widely, but could include limitations on a number of things such as the allowable square footage of the land use, the hours of operation, any amplified music, the number of seats/tables, whether and/or how outdoor storage is permitted, etc.; or requirements for such things as screening, fencing, landscaping, additional yard setbacks, parking, access, circulation, etc.

FIREWORKS STANDS

Fireworks stands have historically been located in areas that are primarily commercial in nature, however they are not currently addressed in the Zoning Ordinance. The City Council recently updated regulations related to the issuance of business licenses for fireworks stands as well as the regulation of their operation, physical structure, signage, etc. , and directed the Planning Commission to amend the Zoning Ordinance likewise.

DISCUSSION

Fireworks stands are unique in that they are a temporary use that returns yearly, typically at the same location by the same operator—although there is some fluidity with new operators entering the market while others leave.

The Council and Staff discussed where they thought fireworks stands should go, and keeping with the historical pattern, commercial and industrial districts were first identified. As the business licensing and permitting requirements contained in the recently approved regulations thoroughly address many concerns related to the impact of the use, they indicated their feeling that fireworks stands should be permitted “by right” in such districts.

Additionally, there was discussion of the potential for fireworks stands to be located on residentially-zoned districts where non-residential uses were established, such as churches





REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

and not-for-profit private clubs. Those uses, while not technically residential in nature, can be located on residentially zoned properties. With that in mind, Council thought it might be appropriate to allow fireworks stands on such lands by Conditional Use Permit (CUP). In that scenario, an applicant wanting to locate a fireworks stand on a residentially zoned parcel would have to go through the public hearing process in order to provide additional scrutiny by the Planning Commission and City Council to the appropriateness of the proposed location.

In addition to language specifying whether fireworks stands are permitted or conditional as discussed above, the following use and performance standard is proposed to be included in the amendment:

***"Fireworks Stands.** Fireworks Stands, as defined and regulated in Chapter 215 (Offenses) Article XIV and Chapter 605 (Business Regulations) Article II of the Code of Ordinances, may be conditionally permitted within parcels located within the "R-1", "R-2", "R-3", "R-4", "R-5, or "R-6" Residential Zoning Districts, provided such parcels are not utilized for residential or residential-related uses. Uses not considered residential or residential-related may include houses of worship; fraternal orders, labor unions, and similar organizations; professional membership organizations; and other membership organizations for social, educational or recreational purposes."*



Fireworks Stands

REPORT TO PLANNING COMMISSION
CITY OF ARNOLD





REPORT TO PLANNING COMMISSION

CITY OF ARNOLD

FINDINGS AND RECOMMENDATION

SUCH AMENDMENT IS REQUIRED BY PUBLIC NECESSITY AND CONVENIENCE AND GENERAL WELFARE

The Community Development Director finds that the proposed text amendments are warranted by the public necessity and convenience to provide reasonable and fair regulations in the Zoning Ordinance that is not substantially more burdensome than that in other nearby communities.

The Community Development Director finds that the proposed text amendments are warranted by the need to promote and protect the general welfare by protecting the economic and tax base of the City, preserving and enhancing the values of property owners and users, promoting the orderly and harmonious development and redevelopment of the City, preserving and promoting the character and stability of the City and its various residential and commercial neighborhoods, improving the appearance of the City, and promoting the best use and development of commercial land in accordance with the Comprehensive Plan.

RECOMMENDATION

The Director of Community Development finds that the proposed text amendments meet or exceed review criteria and further advances the intent of Chapter 405. Based on this finding the Director of Community Development requests favorable consideration of the application.

A handwritten signature in black ink that reads "David B. Bookless".

David B. Bookless, AICP
Community Development Director

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PLANNING COMMISSION MEETING CONDUCTED VIRTUALLY April 13, 2021

MINUTES

Due to Federal, state, county, and municipal emergency orders related to the coronavirus (COVID-19) pandemic, this meeting was conducted virtually in compliance with applicable regulations.

REGULAR SESSION

1. **CALL TO ORDER:** The regular meeting of the Arnold Planning Commission was called to order by Chairman Andrew Sutton at 7:00 p.m.
2. **ROLL CALL OF COMMISSIONERS:** Alan Bess, Steve Buss, Jeff Campbell, Phil Hogan, Frank Kutilek, Justin Lurk (Excused), Brian McArthur, Chad Miller, Del Williams, Andrew Sutton. **STAFF:** David Bookless (Community Development Director), Christie Hull-Bettale (Engineer/Planner), Sarah Turner (Planner), Robert Sweeney (City Attorney).
3. **APPROVAL OF MINUTES:** Motion by Jeff Campbell to approve the minutes from the March 23, 2021 meeting. Second by Del Williams. *Voice vote:* Approved 9-0.
4. **PUBLIC HEARINGS:**
 - a. **PC-2020-20 Building and Site Design Standards (Text Amendment):** Mr. Sutton stated that this hearing is to remain open for further discussion.
 - b. **PC-2021-07 Immaculate Conception (Rezoning):** Motion by Hogan to open the hearing. Second by Williams. Mr. Sutton introduced the project. Kutilek recused himself from the discussion and vote for PC-2021-07, stating that he is an active member of the Immaculate Conception Parish and has been involved with this application on the Parish's behalf. Mr. Sweeney agreed with the recusal. Ms. Turner presented her report which recommended favorable consideration of the application. Alison Gauch of CEDC Civil Engineering Design Consultants, a representative of the applicant, introduced herself. The Commission had no questions of Staff or the applicant. Motion by Hogan to close the hearing. Second by Campbell.
 - c. **PC-2021-09 S&J Sno-Ball (Conditional Use Permit):** Motion by Campbell to open the hearing. Second by Buss. Mr. Sutton introduced the project. Ms. Turner presented her report which recommended favorable consideration of the application with eight (8) conditions of use. The applicant had been on the Zoom call initially but was disconnected. The Commission had no questions of Staff. Motion by Campbell to close the hearing. Second by Hogan.
 - d. **PC-2021-10 Fireworks Stands (Text Amendment):** Motion by Campbell to open the hearing. Second by Kutilek. Mr. Sutton introduced the project. Mr. Bookless presented his report which recommended favorable consideration of the text amendment. Mr. Bookless referred to Council Liaison McArthur and Mr. Sweeney if they had any additional information to add on the project, as the proposal had been directed by City Council. Council Liaison McArthur and Mr. Sweeney were satisfied with Mr. Bookless' proposal. Mr. Sutton asked if the amendment made any changes to the hours of operation for fireworks stands. Mr. Bookless clarified that the stands may open an hour earlier, at 8:00am rather than 9:00am, and close at their current time in the early evening. No further questions. Motion by Campbell to close the hearing. Second by Kutilek.

5. ADJOURNMENT OF REGULAR SESSION: Adjourned by Sutton at 7:18 p.m.

EXECUTIVE SESSION

6. NEW BUSINESS:

- a. **PC-2021-07 Immaculate Conception (Rezoning):** Motion by Campbell to recommend approval. Second by Williams. No further discussion. *Roll call vote:* Alan Bess, yes. Brian McArthur, yes. Del Williams, yes. Frank Kutilek, recused. Jeff Campbell, yes. Steve Buss, yes. Phil Hogan, yes. Chad Miller, yes. Andrew Sutton, yes. 8 yeas. – Motion Passes.
 - b. **PC-2021-09 S&J Sno-Ball (Conditional Use Permit):** Motion by Campbell to recommend approval with the eight (8) conditions contained in the Staff Report. Second by Buss. No further discussion. *Roll call vote:* Alan Bess, yes. Brian McArthur, yes. Del Williams, yes. Frank Kutilek, yes. Jeff Campbell, yes. Steve Buss, yes. Phil Hogan, yes. Chad Miller, yes. Andrew Sutton, yes. 9 yeas. – Motion Passes.
 - c. **PC-2021-10 Fireworks Stands (Text Amendment):** Motion by Campbell to recommend approval. Second by Hogan. Mr. Sutton asked for clarification on changes proposed to the permitted hours of operation. Mr. Bookless provided the clarification. No further discussion. *Roll call vote:* Alan Bess, yes. Brian McArthur, yes. Del Williams, yes. Frank Kutilek, yes. Jeff Campbell, yes. Steve Buss, yes. Phil Hogan, yes. Chad Miller, yes. Andrew Sutton, yes. 9 yeas. – Motion Passes.
- 7. ANNOUNCEMENTS:** Mr. Bookless provided an update about the retaining wall behind Jimmy John's. The next meeting is scheduled for April 27, 2021. Council Liaison McArthur commended the work being done on the Richardson Road concrete replacement. Mr. Hogan thanked the Commission and Staff for the well wishes sent to him while he was in poor health.
- 8. ADJOURNMENT:** Motion by Campbell to adjourn. Second by Kutilek. *Voice vote:* Approved 9-0. Meeting adjourned at 7:30 p.m.

Respectfully Submitted,

Alan Bess
Planning Commission Secretary

BILL NO. 2788

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE
AMENDMENT OF THE FISCAL YEAR 2021 BUDGET.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ARNOLD, MISSOURI, AS FOLLOWS:

- Section 1. The Fiscal Year 2021 Budget adopted on August 20, 2020 has been reviewed and is hereby amended by reference. A copy of said budget adjustment is attached hereto and made a part hereof.
- Section 2. All subsequent interdepartmental or interfund budget line transfers and transfers from unassigned fund balance may be completed upon approval of the City Council.
- Section 3. This ordinance shall be in full force and effect upon its passage and approval and does not require codification.

READ TWO TIMES, PASSED AND APPROVED THIS 6th DAY OF MAY 2021.

Presiding Officer of the City Council

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

1st reading: _____

2nd reading: _____

APPROVED AS TO FORM:

City Attorney Robert Sweeney

RESOLUTION NO: 21-20

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO
AN AGREEMENT WITH SKYSCRAPER MARINE, LLC., DBA
TUBBS & SON CONSTRUCTION FOR THE DEMOLITION AND
SITE RESTORATION OF TWO RESIDENTIAL BUILDINGS
AT 1838 OLD LEMAY FERRY ROAD & 1840 OLD LEMAY FERRY
ROAD

BE IT RESOLVED, by the Council of the City of Arnold, Missouri, that the Mayor be and is hereby authorized to enter into an agreement with Skyscraper Marine, LLC., DBA Tubbs & Son Construction for the demolition and site restoration of two residential buildings located at 1838 Old Lemay Ferry Road and 1840 Old Lemay Ferry Road in the contract amount of \$16,500.00 for demolition and \$3,499.00 for asphalt removal and site restoration.

Presiding Officer of the City Council

Mayor Ron Counts

ATTEST:

TAMMI CASEY, CITY CLERK

Date: _____

Exhibit A
Contract Agreement

THIS AGREEMENT, made and concluded this 6th day of May 2021, by and between Skyscraper Marine LLC, DBA Tubbs & Son Construction hereinafter called the "Contractor", and the City of Arnold, Missouri, hereinafter called the "City".

WITNESSETH, THAT, whereas the Council of the City of Arnold by motion adopted at a meeting held on May 6, 2021, and by virtue of authority vested in said Council, has awarded to the Contractor the work of performing certain construction.

NOW, THEREFORE, the Contractor and the City, for the consideration hereinafter named, agree as follows:

Article 1. SCOPE OF WORK:

The Contractor shall provide all work incidental to the furnishing of all material, equipment, and labor to undertake the DEMOLITION AND SITE RESTORATION PROJECT for two residential buildings at 1838 and 1840 Old Lemay Ferry Road in accordance with the project specifications, and the terms of this contract for the City of Arnold, Missouri.

The Owner shall have representatives at the site as he may decide during the construction to observe the work in progress.

Article 2. TIME OF COMPLETION:

This contract shall be binding for the entire length of the project, as determined by The City of Arnold and the Contractor.

Article 3. CONTRACT PRICE:

The City shall pay to the Contractor for the performance of the work a sum not to exceed the total cost as shown on DEMOLITION AND SITE RESTORATION PROJECT for two residential buildings at 1838 and 1840 Old Lemay Ferry Road bid the amount of \$16,500.00 with asphalt removal and site restoration in the amount of \$3,499.00 attached hereto as shown in the letter to the City of Arnold by Skyscraper Marine LLC, DBA Tubbs & Son Construction.

Article 4. PAYMENTS TO CONTRACTOR:

- a. Payment of contract price of \$16,500.00 for demolition and \$3,499.00 for asphalt removal and site restoration shall be dispersed upon completion of the project.
- b. The Contractor will indemnify and save the City or the City's agents harmless from all claims growing out of the lawful demands of subcontractors, laborers, workers, mechanics, furnisher of material, and furnisher of machinery and parts thereof, equipment, tools, and all supplies, incurred in the furtherance of the performance of the work. The Contractor shall, at the City's request, furnish satisfactory evidence that all obligations of the nature designated above have been paid, discharged, or waived. If the Contractor fails to do so, the City may, after having

notified the Contractor, either pay unpaid bills or withhold from the Contractor's unpaid compensation a sum until satisfactory evidence is furnished that all liabilities have been fully discharged, whereupon payment to the Contractor shall be made, in accordance with the terms of the Contract Documents, but in no event shall the provisions of this sentence be construed to impose any obligations upon the City to either the Contractor, his Surety, or any third party. In paying any unpaid bills of the Contractor, any payment so made by the City shall be considered as a payment made under the Contract Documents by the City to the Contractor and the City shall not be liable to the Contractor for any such payments made in good faith.

Article 5. GUARANTEE:

The Contractor and his Surety hereby expressly guarantee the aforesaid work shall be available twenty-four (24) hours, seven (7) days per week basis, including Holidays. Contractor MUST respond each time an authorized representative of the City requests service. The City of Arnold will give a minimum of two (2) hours' notice; the Contractor must positively confirm with the City of Arnold Parks Superintendent. Contractor MUST respond within two (2) hours after receipt of request for service from the City. Contractor MUST provide continuous 24-hour coverage, if required, until released by the City of Arnold Park Superintendent. Contractor personnel are NOT permitted to leave until released by the City of Arnold Park Superintendent. Contractor SHALL NOT work any other roads, sidewalks or Parking areas except the assigned City areas during the shift. The salt which is owned by the City and used by the Contractor, shall remain the property of the City of Arnold at all times. At the end of the shift, the trucks will be emptied and inspected by the shift supervisor. Salt shall only be dispersed into the Contractors vehicles by a qualified City employee. Contractor or its employees SHALL NOT load their vehicles themselves. All work shall be done in accordance with the best trade practices. All safety regulations for the protection of workmen, City of Arnold employees, pedestrians, and property must be followed. All applicable state and local laws, ordinances and codes shall apply to this contract.

Article 6. INSURANCE:

The Contractor will be required to furnish Public Liability and Property Damage Insurance in amounts as specified in the General Conditions and coverage to name the City of Arnold, Missouri, in addition to the Contractor, so that the City of Arnold is not only protected from all claims but also protected in that legal service will be rendered to defend all suits against the Contractor and the City. The Contractor shall be required to furnish the City with satisfactory proof of carriage of the insurance and endorsement(s) required. WORKERS COMPENSATION – As required by the Law of the State of Missouri Statutory Limits, including Employer's Liability. GENERAL LIABILITY – Limits of not less than \$2,000,000.00 per occurrence with an aggregate limit of \$4,000,000.00. AUTOMOBILE, BODILY INJURY & PROPERTY DAMAGE LIABILITY – Limits of not less than \$2,000,000.00 CSL per occurrence bodily injury and property damage is required. Non-ownership hired vehicles shall be included in the coverage. NOTE: COVERAGE SHALL NOT EXCLUDE OPERATIONS ASSOCIATED WITH SNOW PLOW OPERATIONS. By accepting this contract, the successful bidder agrees to defend, indemnify, and hold harmless the City of Arnold, its elected and approved officials, and all employees. All Certificates of Insurance shall indicate a thirty (30) days advance written notice of cancellation or non-renewals. Insurance Certificates MUST be furnished to City of Arnold Public Works PRIOR to commencement of any work. Contractor's general liability insurance policy shall include a "city of Arnold Additional Insured Endorsement

The above list is not intended to be exhaustive; and the compliance requirement of this provision is continuing and must be satisfied during the entirety of this Agreement.

It is the sole responsibility of the Contractor to ensure that this provision is satisfied; and the City assumes no responsibility or liability for the failure to comply. Any penalty incurred as a result of noncompliance or failure to comply will be borne solely by the Contractor.

Article 8. THE CONTRACT DOCUMENTS:

The Advertisement, Information for Bidders, the Specifications, including Addenda Nos. _____, _____, _____, and _____, the Bid, and Bond, together with this Agreement, form the Contract.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed in four (4) original counterparts as of the day and year first above written.

SIGNATURES ON NEXT PAGE

CONTRACT SIGNATURES

CITY OF ARNOLD
2101 Jeffco Blvd.
Arnold, Missouri 63010

Contractor: SKYSCRAPER MARINE LLC
DBA TUBBS & SON CONST.
P.O. Box 107
Lonedell, MO 63060

By: _____
Ron Counts, Mayor

By: _____
Signature

ATTEST:

Title

By: _____
Tammi Casey, City Clerk

Date

Date

Telephone No.

(SEAL)

(SEAL)

APPROVED AS TO FORM:

City Attorney

COPY

ATTACHMENT B
BID FORM
CITY OF ARNOLD, MISSOURI
Demolition and Site Restoration

TO: CITY OF ARNOLD
ARNOLD, MISSOURI

Pursuant to and in compliance with the Invitation for Bids dated March 25, 2021, the undersigned hereby proposes to furnish the equipment, service, delivery and warranty as specified in the Invitation for Bids and in strict conformance with the Bid Requirements and addenda No. _____ to _____, inclusive, at the prices listed herein.

Bidder's signature shall serve as confirmation of the bidder's authority to represent the company identified in Attachment A. The undersigned bidder, in compliance with the advertisement for bids, hereby proposes to do the work called for in said Specifications.

	<u>BID AMOUNT</u>
1838 Old Lemay Ferry	\$ <u>8,000.00</u>
1840 Old Lemay Ferry	\$ <u>8,500.00</u>
TOTAL BID:	\$ <u>16,500.00</u>

***NOTE:** The cost of any asbestos/lead based paint abatement will be negotiated as an Addendum' with contractor.*

Asphalt Removal/Site Restoration \$ 3,499.00


Bidder's Signature

4-20-21
Date

Nichole Harvath

Print bidder's name

ATTACHMENT A
Bidder Information
CITY OF ARNOLD, MISSOURI
Demolition and Site Restoration

The Undersigned understands and agrees that the City of Arnold may, at its discretion, elect to delete and/or add specifications, prior to the final purchase agreement.

NAME OF BUSINESS Skyscraper Marine LLC, dba - Tubbs & Son Construction

(If an individual)

SIGNATURE OF BIDDER



BUSINESS ADDRESS

PO Box 107, Lonedell, MO. 63060

TELEPHONE NO.

314-574-5403

(If Co-partnership)

FIRM NAME

SIGNATURE

BUSINESS ADDRESS

TELEPHONE NO.

(If a Corporation)

CORPORATE NAME

SIGNATURE

BUSINESS ADDRESS

TELEPHONE NO.

COPY

ATTACHMENT C
NON-COLLUSION FORM

I, Nichole Harvath being duly sworn in oath deposed and states:

- I. That in connection with this procurement,
 - a. The prices in this bid have been arrived at independently, without consultation, communication, or agreement, for the purpose of restricting competition as to any matter relating to such prices with any other bidder or with any competitor;
 - b. The prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening directly or indirectly to any other bidder; or to any competitor; and,
 - c. No attempt has been made or will be made by the bidder to induce any other person or firm to submit or not to submit a bid for the purpose of restricting competition.

- II. The undersigned further states:
 - a. They are the person in the bidders' organization responsible within that organization for the decision as to the prices being bid herein and that he has not participated, and will not participate, in any action contrary to (I) (a) through (I) (c) above.
 - b. They are not the person in the bidder's organization responsible within that organization for the decision as to the prices being bid herein but that he has been authorized in writing to act as agent for the persons responsible for such decision in certifying that such persons have not participated, and will not participate, in any action contrary to (I) (a) through (I) (c) above, and as their agent does hereby so certify; and he has not participated, and will not participate in any action contrary to (I) (a) through (I) (c) above.

III. The Contractor hereby attests to their intent to comply with the American with Disabilities Act. (ADA).

IV. It is expressly understood that the foregoing statements, representations, and promises are made as a condition to the right of the bidder to receive payment under any award made hereunder.

For Corporations

Skyscraper Marine LLC, dba - Tubbs & Son Construction
(NAME, INDICATE IF CORPORATION,
PARTNERSHIP OR SOLE PROPRIETOR)

(Corporate Seal)

Member
(OFFICE HELD IN BIDDER ORGANIZATION)

ATTEST:

By Nichole Harvath

Subscribed and sworn to before me this 20 day of April, 2021.

Cristene Smith
Notary Public

My commission expires on: 10/28/2024

Cristene Smith
Notary Public - Notary Seal
STATE OF MISSOURI
Franklin County
My Commission Expires 10/28/2024
Commission # 20248792

ATTACHMENT D

STATE OF MISSOURI)
COUNTY OF Franklin) ss

FINAL PAY AFFIDAVIT

Know all men by those present that Nichole Harvath
(OFFICER'S NAME)

of lawful age, being duly sworn upon his oath deposes and says that he Member
(TITLE)

of the Skyscraper Marine LLC, dba - Tubbs & Son Construction, the Contractor engaged in the
(COMPANY'S NAME)

Pomme Creek Park Turf Maintenance has sworn that all supplies/material used in the
performance of the maintenance contract have been paid and that the said project is therefore
free from all liens and encumbrances, and all amounts owing contractor have been paid in full.
All lien waivers are attached.

IN WITNESS WHEREOF, the hereto, hereunto sets his hand and seal this _____
day of _____, 20_____.

Tubbs & Son Construction
(FIRM NAME)

By _____

Subscribed and sworn to before me this _____ day of _____, 20_____.

Notary Public

My commission expires on: _____

IN ATTENDANCE: Tammi Casey, Sharon
 Ratliff, Ray Dornseif and Rep from Tubbs
 & Sons Construction

BID PROJECT NAME: DEMOLITION AND SITE RECONSTRUCTION BID OPENING 4/20/2021

3 TOTAL BIDS

COMPANY NAME	CONTACT	ADDRESS	1838 OLD LEMAY FERRY	1840 OLD LEMAY FERRY	TOTAL BID	ASPHALT REMOVAL/SITE RESTORATION
TUBBS AND SON CONSTRUCTION	NICHOLE HARVATH	P.O. BOX 107 LONEDELL, MO 63060		\$8,000.00	\$16,500.00	\$3,499.00
STEVE'S HAULING AND EXCAVATING LLC	STEVE PLEIMANN	789 COUNTY ROAD 416 OAK RIDGE, MO 63769		\$9,000.00	\$18,000.00	\$21,000.00
S SHAFER EXCAVATING		4212 SAM'S ROAD PONTON BEACH, IL 62040		\$9,000.00	\$18,000.00	\$6,000.00

RESOLUTION NO: 21-21

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH WEISSCO POWER, LLC. FOR THE INSTALLATION OF A UPS (UNINTERRUPTED POWER SYSTEM)/ELIS SYSTEM AT THE ARNOLD RECREATION CENTER AT 1695 MISSOURI STATE ROAD.

BE IT RESOLVED, by the Council of the City of Arnold, Missouri, that the Mayor be and is hereby authorized to enter into an agreement with Weissco Power, LLC. for the installation of a UPS (Uninterrupted Power System)/Elis System at the Arnold Recreation Center at 1695 Missouri State Road for the contract amount of \$47,163.00.

Presiding Officer of the City Council

Mayor Ron Counts

ATTEST:

TAMMI CASEY, CITY CLERK

Date: _____

Exhibit A
Contract Agreement

THIS AGREEMENT, made and concluded this 6th day of May 2021, by and between Weissco Power LLC hereinafter called the "Contractor", and the City of Arnold, Missouri, hereinafter called the "City".

WITNESSETH, THAT, whereas the Council of the City of Arnold by motion adopted at a meeting held on May 6, 2021, and by virtue of authority vested in said Council, has awarded to the Contractor the work of performing certain construction.

NOW, THEREFORE, the Contractor and the City, for the consideration hereinafter named, agree as follows:

Article 1. SCOPE OF WORK:

The Contractor shall provide all work incidental to the furnishing of all material, equipment, and labor to undertake the BATTERY BACK UP SYSTEM in accordance with the project specifications, and the terms of this contract for the City of Arnold, Missouri.

The Owner shall have representatives at the site as he may decide during the construction to observe the work in progress.

Article 2. TIME OF COMPLETION:

This contract shall be binding for the entire length of the project, as determined by The City of Arnold and the Contractor.

Article 3. CONTRACT PRICE:

The City shall pay to the Contractor for the performance of the work a sum not to exceed the total cost as shown on BATTERY BACK UP SYSTEM bid the amount of \$47,163.00 attached hereto as shown in the letter to the City of Arnold by Weissco Power LLC.

Article 4. PAYMENTS TO CONTRACTOR:

- a. Payment of contract price of \$47,163.00 shall be dispersed upon completion of the project.
- b. The Contractor will indemnify and save the City or the City's agents harmless from all claims growing out of the lawful demands of subcontractors, laborers, workers, mechanics, furnisher of material, and furnisher of machinery and parts thereof, equipment, tools, and all supplies, incurred in the furtherance of the performance of the work. The Contractor shall, at the City's request, furnish satisfactory evidence that all obligations of the nature designated above have been paid, discharged, or waived. If the Contractor fails to do so, the City may, after having notified the Contractor, either pay unpaid bills or withhold from the Contractor's unpaid compensation a sum until satisfactory evidence is furnished that all liabilities have been fully discharged, whereupon payment to the Contractor shall be made, in accordance with the terms of the Contract Documents, but in no event shall the provisions of this sentence be construed to

impose any obligations upon the City to either the Contractor, his Surety, or any third party. In paying any unpaid bills of the Contractor, any payment so made by the City shall be considered as a payment made under the Contract Documents by the City to the Contractor and the City shall not be liable to the Contractor for any such payments made in good faith.

Article 5. GUARANTEE:

The Contractor and his Surety hereby expressly guarantee the aforesaid work shall be available twenty-four (24) hours, seven (7) days per week basis, including Holidays. Contractor MUST respond each time an authorized representative of the City requests service. The City of Arnold will give a minimum of two (2) hours' notice; the Contractor must positively confirm with the City of Arnold Parks Superintendent. Contractor MUST respond within two (2) hours after receipt of request for service from the City. Contractor MUST provide continuous 24-hour coverage, if required, until released by the City of Arnold Park Superintendent. Contractor personnel are NOT permitted to leave until released by the City of Arnold Park Superintendent. Contractor SHALL NOT work any other roads, sidewalks or Parking areas except the assigned City areas during the shift. The salt which is owned by the City and used by the Contractor, shall remain the property of the City of Arnold at all times. At the end of the shift, the trucks will be emptied and inspected by the shift supervisor. Salt shall only be dispersed into the Contractors vehicles by a qualified City employee. Contractor or its employees SHALL NOT load their vehicles themselves. All work shall be done in accordance with the best trade practices. All safety regulations for the protection of workmen, City of Arnold employees, pedestrians, and property must be followed. All applicable state and local laws, ordinances and codes shall apply to this contract.

Article 6. INSURANCE:

The Contractor will be required to furnish Public Liability and Property Damage Insurance in amounts as specified in the General Conditions and coverage to name the City of Arnold, Missouri, in addition to the Contractor, so that the City of Arnold is not only protected from all claims but also protected in that legal service will be rendered to defend all suits against the Contractor and the City. The Contractor shall be required to furnish the City with satisfactory proof of carriage of the insurance and endorsement(s) required. WORKERS COMPENSATION – As required by the Law of the State of Missouri Statutory Limits, including Employer's Liability. GENERAL LIABILITY – Limits of not less than \$2,000,000.00 per occurrence with an aggregate limit of \$4,000,000.00. AUTOMOBILE, BODILY INJURY & PROPERTY DAMAGE LIABILITY – Limits of not less than \$2,000,000.00 CSL per occurrence bodily injury and property damage is required. Non-ownership hired vehicles shall be included in the coverage. NOTE: COVERAGE SHALL NOT EXCLUDE OPERATIONS ASSOCIATED WITH SNOW PLOW OPERATIONS. By accepting this contract, the successful bidder agrees to defend, indemnify, and hold harmless the City of Arnold, its elected and approved officials, and all employees. All Certificates of Insurance shall indicate a thirty (30) days advance written notice of cancellation or non-renewals. Insurance Certificates MUST be furnished to City of Arnold Public Works PRIOR to commencement of any work. Contractor's general liability insurance policy shall include a "city of Arnold Additional Insured Endorsement

The above list is not intended to be exhaustive; and the compliance requirement of this provision is continuing and must be satisfied during the entirety of this Agreement.

It is the sole responsibility of the Contractor to ensure that this provision is satisfied; and the City

assumes no responsibility or liability for the failure to comply. Any penalty incurred as a result of noncompliance or failure to comply will be borne solely by the Contractor.

Article 8. THE CONTRACT DOCUMENTS:

The Advertisement, Information for Bidders, the Specifications, including Addenda Nos. _____, _____, _____, and _____, the Bid, and Bond, together with this Agreement, form the Contract.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed in four (4) original counterparts as of the day and year first above written.

SIGNATURES ON NEXT PAGE

CONTRACT SIGNATURES

CITY OF ARNOLD
2101 Jeffco Blvd.
Arnold, Missouri 63010

Contractor: WEISSCO POWER LLC
6930 Ryan Gulch Road
Silverthorne, CO 80498

By: _____
Ron Counts, Mayor

By: _____
Signature

ATTEST:

Title

By: _____
Tammi Casey, City Clerk

Date

Date

Telephone No.

(SEAL)

(SEAL)

APPROVED AS TO FORM:

City Attorney

ATTACHMENT A
Bidder Information
CITY OF ARNOLD, MISSOURI
Battery Backup System

The Undersigned understands and agrees that the City of Arnold may, at its discretion, elect to delete and/or add specifications, prior to the final purchase agreement.

NAME OF BUSINESS Weissco Power LLC

(If an individual)
SIGNATURE OF BIDDER _____

BUSINESS ADDRESS _____

TELEPHONE NO. _____

(If Co-partnership)
FIRM NAME Weissco Power LLC

SIGNATURE 

BUSINESS ADDRESS 514 County Rd 513 Califon, NJ 07830

TELEPHONE NO. 908-832-2113

(If a Corporation)
CORPORATE NAME _____

SIGNATURE _____

BUSINESS ADDRESS _____

TELEPHONE NO. _____

ATTACHMENT C
BID FORM
CITY OF ARNOLD, MISSOURI
Battery Backup System

TO: CITY OF ARNOLD
ARNOLD, MISSOURI

Pursuant to and in compliance with the Invitation for Bids dated March 4, 2021, the undersigned hereby proposes to furnish the equipment, service, delivery and warranty as specified in the Invitation for Bids and in strict conformance with the Bid Requirements and addenda No. _____ to _____, inclusive, at the prices listed herein.

Please indicate if items are included in the battery backup system's prices. Bidder's signature shall serve as confirmation of the bidder's authority to represent the company identified in Attachment A

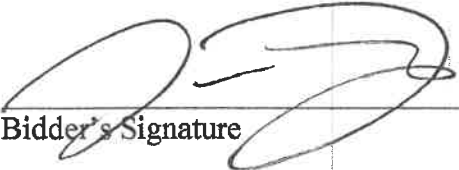
Scope of Work Number One (1) \$ 2000.⁰⁰
Removal and Disposal of
1. Existing system
2. Hardware
3. Existing batteries
4. Enclosures

Scope of Work Number Two (2) \$ 43,163.⁰⁰
Installation
1. New system installation
2. Fully operational system
3. No ancillary work or additional costs.
4. Meets/exceeds the original
5. specifications

Scope of Work Number Three (3) \$ 2000.⁰⁰
Startup and initial testing

Delivery \$ — 0.⁰⁰

TOTAL \$ 47,163.⁰⁰



Bidder's Signature

4-5-21

Date

Tanner Trammors

Print bidder's name

**ATTACHMENT D
NON-COLLUSION FORM**

I Tanner Timmons being duly sworn in oath deposed and states:

- I. That in connection with this procurement,
 - a. The prices in this bid have been arrived at independently, without consultation, communication, or agreement, for the purpose of restricting competition as to any matter relating to such prices with any other bidder or with any competitor;
 - b. The prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening directly or indirectly to any other bidder; or to any competitor; and,
 - c. No attempt has been made or will be made by the bidder to induce any other person or firm to submit or not to submit a bid for the purpose of restricting competition.

- II. The undersigned further states:
 - a. They are the person in the bidders' organization responsible within that organization for the decision as to the prices being bid herein and that he has not participated, and will not participate, in any action contrary to (I) (a) through (I) (c) above.
 - b. They are not the person in the bidder's organization responsible within that organization for the decision as to the prices being bid herein but that he has been authorized in writing to act as agent for the persons responsible for such decision in certifying that such persons have not participated, and will not participate, in any action contrary to (I) (a) through (I) (c) above, and as their agent does hereby so certify; and he has not participated, and will not participate in any action contrary to (I) (a) through (I) (c) above.

- III. The Contractor hereby attests to their intent to comply with the American with Disabilities Act. (ADA).

- IV. It is expressly understood that the foregoing statements, representations, and promises are made as a condition to the right of the bidder to receive payment under any award made hereunder.

For Corporations

Wetzel Power LLC
(NAME, INDICATE IF CORPORATION,
PARTNERSHIP OR SOLE PROPRIETOR)

(Corporate Seal)

(OFFICE HELD IN BIDDER ORGANIZATION)

ATTEST:

By _____

Subscribed and sworn to before me this 5th day of April, 20 21.

Notary Public

My commission expires on: _____

ATTACHMENT E

STATE OF ^{Colorado} MISSOURI)
COUNTY OF Summit) ss

FINAL PAY AFFIDAVIT

Know all men by those present that Tanner Timmons,
(OFFICER'S NAME)

of lawful age, being duly sworn upon his oath deposes and says that he Sr. Account Manager
(TITLE)

of the Weissco Plover LLC, the Contractor engaged in the
(COMPANY'S NAME)

Pomme Creek Park Turf Maintenance has sworn that all supplies/material used in the performance of the maintenance contract have been paid and that the said project is therefore free from all liens and encumbrances, and all amounts owing contractor have been paid in full. All lien waivers are attached.

IN WITNESS WHEREOF, the hereto, hereunto sets his hand and seal this 5th
day of April, 20 21.

Weissco Plover LLC
(FIRM NAME)

By _____

Subscribed and sworn to before me this 5th day of April, 20 21.

Notary Public

My commission expires on: _____

City of Arnold MO: BATTERY BACK UP SYSTEM

Bid opening: April 6, 2021 @ 1:00 p.m.

2 bid(s) received

Sharon Ratliff; Bill Lehmann; Dickie Brown; Dave Crutchly

		BID AMOUNTS					
Vendor	Location	Bid Amount - Scope Item #1	Bid Amount - Scope Item #2	Bid Amount - Scope Item #3	Delivery	TOTAL BID	
1 Mid America Electric	Imperial MO	\$ 2,848.00	\$ 55,146.38	\$ 775.00	\$ 745.00	\$ 59,514.38	
2 Weissco Power LLC	Denver CO	\$ 2,000.00	\$ 43,163.00	\$ 2,000.00	\$ -	\$ 47,163.00	
3							
4							
5							
6							
7							
8							
9						\$ -	

A RESOLUTION APPROVING THE PURCHASE OF 6 NEW POLICE VEHICLES

WHEREAS, the City of Arnold recognizes the importance of maintaining a safe fleet of police vehicles; and

WHEREAS, the City of Arnold recognizes the importance of maintaining a police fleet that is cost efficient when it comes to maintenance and repairs; and

WHEREAS, the City of Arnold desires to establish a policy that addresses the maintenance, safety, efficiency and economy, in order, in part, to ensure the safety of the city staff and the general public;

NOW, THEREFORE BE IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF ARNOLD, MISSOURI AS FOLLOWS:

In order to secure the above-referenced goals, the city shall purchase six (6) new Chevy Tahoe's Police Interceptor Utility Vehicles from Don Brown in the amount of \$231,410.00 which is the state bid contractor for Missouri. This is for the vehicles only and does not include any emergency equipment which will be budgeted for in the police 2022 budget. Upon delivery of these new vehicles, six (6) old vehicles will be stripped of pertinent police equipment and sold at auction with those funds going back into the General Revenue fund.

Presiding Officer of the City Council

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

DATE: _____

4/29/21

Mary Ellen Cox

From: Brian Carroll
Sent: Wednesday, April 28, 2021 10:21 AM
To: Mary Ellen Cox
Subject: 2021 Tahoes

The (6) 2021 Chevrolet Tahoes will be purchased from Don Brown Chevrolet. The grand total for the 6 vehicles is \$231,410. These vehicles are on state bid pricing.

Please let me know if you need anything else.

Thanks!

Major Brian Carroll

Arnold Police Department
2101 Jeffco Blvd.
Arnold, Mo 63010
636-296-3204 (office)
636-282-2381 (fax)



RESOLUTION NO: 21-23

A RESOLUTION RE-APPOINTING VARIOUS INDIVIDUALS TO SERVE ON DIFFERENT
BOARDS WITH DIFFERENT EXPIRATION DATES.

BE IT RESOLVED by the Council of the City of Arnold, Missouri, that the following individuals are hereby re-appointed to serve on various Boards until their term expires or a successor has been duly appointed and qualified.

SECTION 1. BOARD OF ADJUSTMENT

1. Robert Lindsley is re-appointed to serve a term of five-years that will expire on 11/01/2025.
2. Joan Boyles is re-appointed to serve as an alternate and her term will expire on 03/15/2026

SECTION 2. COMMISSION ON AGING AND DISABILITIES

1. Donna Mitchell is re-appointed to serve a term of three-years that will expire on 05/31/2023.
2. James Henson is re-appointed to serve a term of three-years that will expire on 5/31/2024.
3. EuGena Duna is re-appointed to serve a term of three-years that will expire on 05/31/2024.

SECTION 4. PARK AND LEISURE SERVICE BOARD

1. Joyce Thomas is re-appointed to serve a term of two-years that will expire on 02/20/22.

SECTION 5. POLICE PERSONNEL BOARD

1. Andrew Sutton is re-appointed to serve a term of two-years that will expire on 04/01/2023.
2. Ed Zimmermann is re-appointed to serve a term of two-years that will expire on 04/01/2023.
3. Del Williams is re-appointed to serve a term of two-years that will expire on 04/01/2022. (Del term expired on 04/01/2020)
4. Joan Boyles is hereby appointed to serve as a regular member instead of an alternate. Her term will expire on 04/01/2022. (She is replacing Bob Taylor who resigned)

SIGNATURE ON FOLLOWING PAGE

Presiding Officer of the City Council

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

Date:

RESOLUTION NO. 21-24

A RESOLUTION AUTHORIZING THE MAYOR TO APPROVE CHANGE ORDER #1 TO THE ASPHALT STREET REPAIR CONTRACT WITH NB WEST CONTRACTING TO PERFORM ADDITIONAL ASPHALT STREET REPAIRS.

BE IT RESOLVED by the Council of the City of Arnold, Missouri, that the Mayor be, and is hereby authorized to approve change order #1 to the Asphalt street repair contract with NB West Contracting to perform additional asphalt street repairs in the amount of \$200,000.

A copy of said change order #1 is attached hereto and made a part hereof reference.

Presiding Officer of the City Council

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

Date: _____

4/28/21

CHANGE ORDER No. 1

CONTRACTOR: NB West
 PROJECT NAME: 2021 Asphalt Project

LPA: City of Arnold
 PROJECT NO.: _____

The Contractor is hereby directed to make the following changes from the contract:

1. DESCRIPTION AND REASON FOR CHANGE:
 Addition of \$200,000 to the project budget.

2. COST OF WORK AFFECTED BY THIS CHANGE ORDER.

EST. LINE NO.	CONTRACT ITEM NO.	ITEM DESCRIPTION	UNITS PREVIOUSLY PROVIDED FOR	UNITS TO BE CONSTRUCTED	UNITS OVERRUN, UNDERRUN, OR CONTINGENT	UNIT PRICE	AMOUNT OF OVERRUN OR PLUS CONTINGENT	AMOUNT OF UNDERRUN OR MINUS CONTINGENT
		Additional budget	500000.00	700000.00	200000.00	\$1.00	\$200,000.00	
TOTALS:							\$200,000.00	\$0.00

3. SETTLEMENT FOR COST OF THE ABOVE CHANGE TO BE MADE AT CONTRACT UNIT PRICES, EXCEPT AS NOTED:
 N/A

4 COMMENTS:

5 COST ADJUSTMENTS TO THE CONTRACT:

1. CONTRACT AMOUNT	\$500,000.00
2. OVERRUN THIS ORDER	\$200,000.00
3. OVERRUN PREVIOUS	
4. UNDERRUN THIS ORDER	\$0.00
5. UNDERRUN PREVIOUS	
6. PROJECT TOTAL	\$700,000.00

THE TERMS OF SETTLEMENT OUTLINED ABOVE ARE HEREBY AGREED TO:

APPROVED: (OWNER)	DATE		4/28/21
		APPROVED: (CONTRACTOR)	DATE
APPROVED: (Mayor)	DATE		4-28-21
		APPROVED: (PUBLIC WORKS DIRECTOR)	DATE

RESOLUTION NO. 21-25

A RESOLUTION AUTHORIZING THE MAYOR TO APPROVE CHANGE ORDER #1 TO THE CONCRETE STREET REPAIR CONTRACT WITH E MEIER CONTRACTING, INC. TO PERFORM ADDITIONAL CONCRETE STREET REPAIRS.

BE IT RESOLVED by the Council of the City of Arnold, Missouri, that the Mayor be, and is hereby authorized to approve change order #1 to the concrete street repair contract with E Meier Contracting Inc. to perform additional concrete street repairs in the amount of \$200,000.

A copy of said change order #1 is attached hereto and made a part hereof reference.

Presiding Officer of the City Council

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

Date: _____

CHANGE ORDER No. 1

CONTRACTOR: E Meier
 PROJECT NAME: 2021 Concrete Project

LPA: City of Arnold
 PROJECT NO.: _____

The Contractor is hereby directed to make the following changes from the contract:

1. DESCRIPTION AND REASON FOR CHANGE:
 Addition of \$200,000 to the project budget.

2. COST OF WORK AFFECTED BY THIS CHANGE ORDER.

EST. LINE NO.	CONTRACT ITEM NO.	ITEM DESCRIPTION	UNITS PREVIOUSLY PROVIDED FOR	UNITS TO BE CONSTRUCTED	UNITS OVERRUN, UNDERRUN, CONTINGENT	UNIT PRICE	CONTRACT OR AGREED UNIT PRICE	AMOUNT OF OVERRUN OR PLUS CONTINGENT	AMOUNT OF UNDERRUN OR MINUS CONTINGENT
		Additional budget	500000.00	700000.00	200000.00	\$1.00	\$200,000.00		
							TOTALS:	\$200,000.00	\$0.00

3. SETTLEMENT FOR COST OF THE ABOVE CHANGE TO BE MADE AT CONTRACT UNIT PRICES, EXCEPT AS NOTED:
 N/A

4 COMMENTS:

5 COST ADJUSTMENTS TO THE CONTRACT:

1. CONTRACT AMOUNT		\$500,000.00
2. OVERRUN THIS ORDER	\$200,000.00	
3. OVERRUN PREVIOUS		
4. UNDERRUN THIS ORDER	\$0.00	
5. UNDERRUN PREVIOUS		
6. PROJECT TOTAL		\$700,000.00

THE TERMS OF SETTLEMENT OUTLINED ABOVE ARE HEREBY AGREED TO:

			Type text here	4/29/2021
APPROVED: (OWNER)	DATE	APPROVED: (CONTRACTOR)		DATE
				4-28-21
APPROVED: (Mayor)	DATE	APPROVED: (PUBLIC WORKS DIRECTOR)		DATE

RESOLUTION NO. 21-26

A RESOLUTION AUTHORIZING A PAYMENT TO MIDWEST TESTING
FOR ENGINEERING SERVICES RELATED TO THE RIDGECREST
RETAINING WALL.

WHEREAS, the City of Arnold retained Midwest Testing for engineering consulting services related to the partially collapsed Ridgecrest Retaining Wall; and

WHEREAS, when Midwest Testing was retained the extent of the need for their services was not known; and

WHEREAS, the most recent billing from Midwest Testing will put the cost of their services over \$10,000;

BE IT RESOLVED by the Council of the City of Arnold, Missouri, that the payment of the attached billing statement is hereby approved.

Presiding Officer of the City Council

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

Date: _____

REC'D APR 22 2021

City of Arnold
 2101 Jeffco Blvd.
 Arnold, MO 63010
 Bryan Richison

Invoice number 17301
 Date 04/12/2021
 Project Manager Richard D. Laughlin
 Project # 15083
 Project **Ridgecrest Retaining Wall**

Professional services through April 12, 2021

210051

Engineering Services

Professional Fees

	Hours	Rate	Billed Amount
Project Administrator	1.00	50.00	50.00
Principal	21.00	167.00	3,507.00
Staff Engineer	15.25	111.50	1,700.38
Dept <u>Planning</u> Vendor <u>M0301</u>			
Professional Fees subtotal	37.25		5,257.38

Approved For Payment _____

Account Number 191 43120

Invoice total 5,257.38

Invoice Summary Project _____ Account _____

Description	Prior Billed	Total Billed	Current Billed
Billable	6,636.32	11,893.70	5,257.38

Aging Summary

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
17301	04/12/2021	5,257.38	5,257.38				
	Total	5,257.38	5,257.38	0.00	0.00	0.00	0.00

NOTICE TO OWNER Failure of this contractor to pay those persons supplying a material or service to complete this contract can result in the filing of a mechanics lien on the property which is the subject of this contract pursuant to chapter 429 PSMo. To avoid this result you may ask this contractor for "Lien Waivers" from all persons supplying material or services for the work described in this contract. Failure to secure Lien Waivers may result in your paying for labor and materials twice.

RESOLUTION NO. 21-27

**A RESOLUTION APPROVING ADDENDUM B TO EXTEND CONTRACT AND
UTILIZE UNUSED CREDITS DUE TO EXTRAORDINARY CIRCUMSTANCES
RELATED TO THE COVID-19 PANDEMIC.**

BE IT RESOLVED by the Council of the City of Arnold, Missouri, that the Mayor be and is hereby authorized to approve Addendum B to Extend Contract and Utilize Unused- Credits due to Extraordinary Circumstances related to Covid-19 Pandemic. This Addendum to the Contract was signed by the City of Arnold, MO. on February 16, 2017 and Gateway Pyrotechnic Productions LLC. On March 2, 2017 respectively.

Presiding Officer of the City Council

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

Date: _____

Addendum B

(Addendum to Extend Contract and Utilize Unused Credits due to Extraordinary Circumstances related to the COVID-19 Pandemic)

This is an addendum to the contract signed by THE CITY OF ARNOLD MO on February 16, 2017 and by GATEWAY PYROTECHNOIC PRODUCTIONS, LLC on March 2, 2017 respectively.

The intent of this addendum is to provide the same level of quality, quantity, volume and time (per event) of display/exhibit services as provided in the above referenced contract at the prices stated below.

4th of July Celebration:

- June 26, 2021 - \$25,000 (plus application of unused credit amount of \$6,166 to be used toward additional fireworks display quantity for a total value of "show" equal to \$31,166)

Arnold Days:

- September 17, 2021 - \$25,000 (plus application of unused credit amount of \$6,167 to be used toward additional fireworks display quantity for a total value of "show" equal to \$31,167)
- September 18, 2021 - \$25,000 (plus application of unused credit amount of \$6,167 to be used toward additional fireworks display quantity for a total value of "show" equal to \$31,167)

IN WITNESS WHEREOF, the parties have executed on this date.

FOR PURCHASER (Please Print name):

X _____ Title: _____

DATE: _____.

FOR GATEWAY PYROTECHNIC PRODUCTIONS, LLC.

X _____ Title: _____

DATE: _____.

RESOLUTION NO. 17-05

**A RESOLUTION APPROVING A THREE YEAR PROPOSAL FROM
GATEWAY FIREWORKS.**

WHEREAS, Gateway Fireworks has conducted the fireworks shows at Arnold Days and July 4th for several years now; and

WHEREAS, they have provided a quality product with reliable service; and

WHEREAS, they have submitted a three year proposal with no price increases during the three year terms; and

WHEREAS, the City Council may waive the City's purchasing procedures when it is prudent and in the best interest of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
ARNOLD, MISSOURI:

Section 1. The attached proposal from Gateway Fireworks is hereby approved.

Presiding Officer of the City Council

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

Date: _____



CITY COUNCIL AGENDA ITEM STAFF REPORT

MEETING DATE:	May 6, 2021
TITLE:	PC-2021-09 S&J Sno-Ball (Conditional Use Permit)
DEPARTMENT:	Community Development
PROJECT MANAGER:	Sarah Turner, Community Development Planner
REQUESTED ACTION:	No Action, Conditional Use Permit stands approved
ATTACHMENTS:	(1) Conditional Use Permit Document (C.U.P. 2021-09)

EXECUTIVE SUMMARY:

The requested Conditional Use Permit (CUP) for a temporary structure is to allow for a returning seasonal snow cone stand located at 754 Jeffco Blvd., within the "C-2" Commercial District, as provided in the Arnold Zoning Ordinance. This application was submitted by Joseph X. Sorg, owner and operator of S&J Sno-Ball Custard Shop. The proposed use is consistent with the Comprehensive Plan and Zoning Ordinance.

REVIEW & ANALYSIS:

At its April 13, 2021 meeting, the Planning Commission was presented with the Staff Report for this Conditional Use Permit request and opened the public hearing. Staff found that this request satisfied the four review criteria for Conditional Use Permits: (i) consistent with good planning practice, (ii) not detrimental to permitted developments and uses in the surrounding area, (iii) visually compatible with permitted development and uses in surrounding area, and (iv) an essential or desirable addition to the City, subject to the recommended eight (8) conditions.

RECOMMENDATION:

On April 13, 2021, the Planning Commission, by a vote of 9 to 0, voted to recommend approval of the Conditional Use Permit subject to the eight (8) conditions of use contained in the attached Conditional Use Permit Document.

CONDITIONAL USE PERMIT 2021-09

WHEREAS, Joseph X. Sorg has requested a Conditional Use Permit to allow a seasonal snow cone stand at 754 Jeffco Blvd., within the "C-2" Commercial District, as provided in the Arnold Zoning Ordinance.

WHEREAS, on April 13, 2021, the Planning Commission has held a Public Hearing pursuant to the laws of the City of Arnold, and

WHEREAS, on May 6, 2021, the City Council found the proposed land use not detrimental to the surrounding land uses.

NOW THEREFORE, the City Council hereby issues a Conditional Use Permit to operate a seasonal snow cone stand at 754 Jeffco Blvd.

This Conditional Use Permit shall be identified as C.U.P. 2021-09 and shall be developed in general conformance with City of Arnold Ordinances and with the following eight (8) conditions:

1. All structures, tables, trash containers, etc. must be located at least fifty (50) feet from the front property line.
2. The tables, trash containers, etc. may not create an obstruction for vehicle traffic.
3. The area shall be kept clean of trash and debris that may result from the snow cone stand.
4. A current written agreement is provided to the City regarding the use of restrooms for the employees and customers of the snow cone stand for each year of the Conditional Use Permit.
5. The snow cone stand may open March 1 of each year of the Conditional Use Permit. The hours of operation are from 1:00PM to 10:00PM.
6. The trailer is removed on or before October 1, 2021 and 2022.
7. Approval for Conditional Use Permit does not supersede other local, state or federal requirements for building permits or other permits required for food or beverage service.
8. The Conditional Use Permit will expire on October 31, 2022.

Andrew Sutton
Planning Commission Chairman

Date

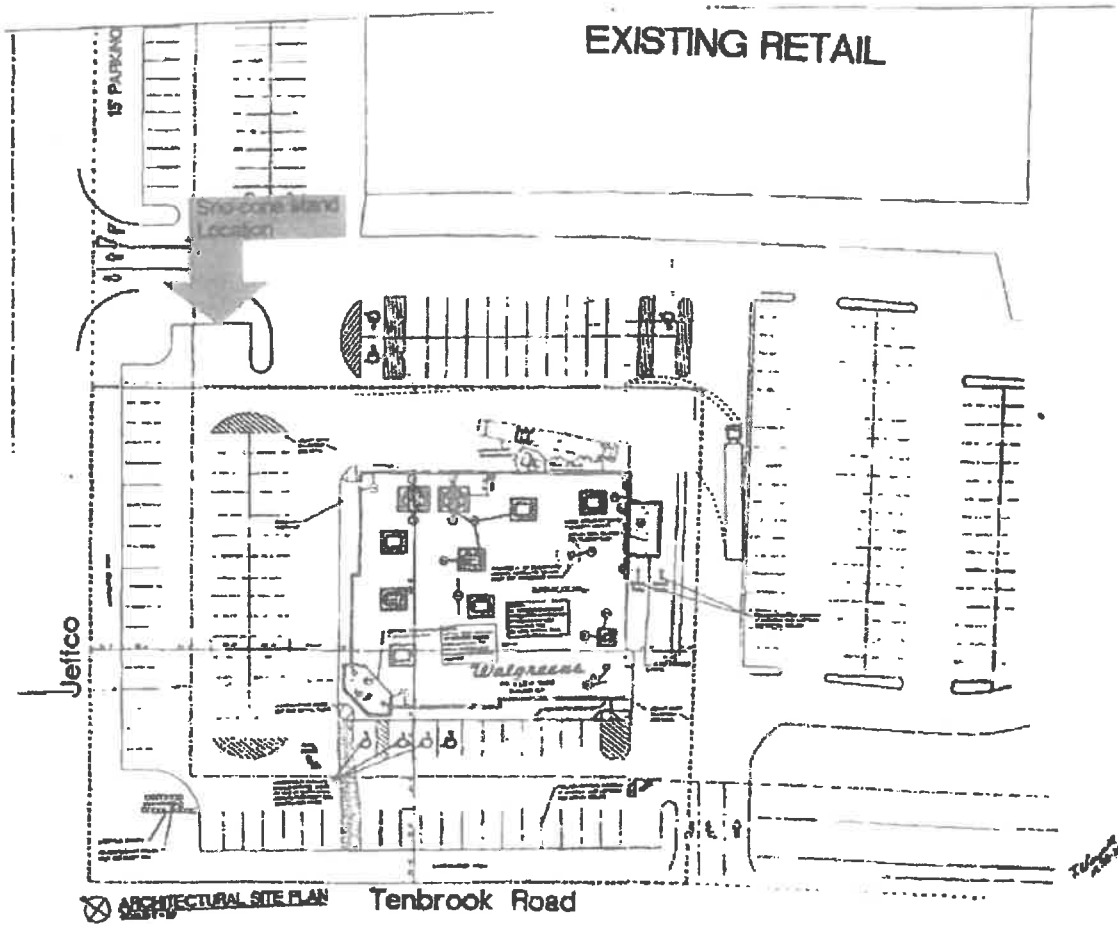
Before me personally appeared Andrew Sutton known to be the Chairman of the Planning Commission for the City of Arnold, who executed the same on the City of Arnold's behalf.

Notary

Date

EXHIBIT A

Site Plan



Mary Ellen Cox

From: Tammi Casey
Sent: Monday, May 3, 2021 10:35 AM
To: Bryan Richison
Cc: Mary Ellen Cox
Subject: MOTION FOR THIS WEEK'S COUNCIL AGENDA

Bryan-

Please add the following motion to the agenda for this week's meeting:

"A MOTION TO RETROACTIVELY APPROVE A CATERING LIQUOR LICENSE FOR TIPSYPONY PARTY BAR"

Thank you,

Tammi Casey, CMC/MRCC-S
CITY CLERK
CITY OF ARNOLD
2101 JEFFCO BLVD
ARNOLD, MO 63010
636-296-2100 FAX 636-282-2392