

## City of Arnold, Missouri

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**Council Meeting**  
**Council Chambers**

**November 5, 2009**  
**7:00 p.m.**

### Agenda

1. Pledge of Allegiance
2. Opening Prayer: **People's Church – Tom Sherwood or Ed Brown**
3. Roll Call
4. Acceptance of Minutes: **October 15, 2009**
5. Acceptance of Warrants: **Payroll Warrant #1067 - General Warrant #5510**
6. Business from the Floor:
7. Ordinances
  - A. **Bill No. 2355:** An Ordinance Accepting Lands for Public Use Known as Villas at Windcrest, Plat One.
8. Resolutions
  - A. **Resolution 09-54:** A Resolution Approving an Agreement with Jefferson County Public Water District #1.
  - B. **Resolution 09-55:** A Resolution Appointing Ralph Queen to the Commission on Aging and Disabilities for a Three-Year Term.
  - C. **Resolution 09-56:** A Resolution Appointing Andrew Sutton to the Board of Adjustments for the Remainder of a Five-Year Term.
9. Motions
  - A. A Motion to Approve the Purchase of a Service Truck for Stormwater Department.
10. New Business
  - A. Legal Fee Review.
  - B. Health Insurance Cost Review.
11. Old Business
12. Committee Reports
13. Reports from Mayor and Council

14. Administrative Reports

- A. 2009-08, Conditional use Permit for a Fuel Facility for Shop 'N Save at Water Tower Place, Planning Commission Action.

15. Adjournment

**Next Regular Council Meeting November 19, 2009 at 7:00 p.m.**  
**Next Work Session Meeting November 12, 2009 at 7:00 p.m.**

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October 30, 2009

**REGULAR MEETING**

**November 5, 2009**

**COUNCIL CHAMBERS**

**2101 JEFFCO BLVD**

**7 PM**

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

The Pledge of Allegiance was recited.

Mr. Tom Sherwood from the Arnold Church of Christ offered the opening prayer.

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

**ACCEPTANCE OF THE MINUTES:**

Jason Connell moved to **accept the minutes of the October 15, 2009 meeting** if there are no other deletions, errors, or corrections. Seconded by Jerel Poor. Roll call vote: Schoenbeck, yes; Poor, yes; Lindsley, yes; Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; Deckman, yes, 8 yeas, Motion **carried**.

**ACCEPTANCE OF THE WARRANTS:**

City Clerk Diane Waller read **payroll warrant #1067**.

Jason Connell voiced concerns about overtime.

Chief Shockey explained grants have covered most of his overtime.

Jason Connell moved to pay **payroll warrant #1067** pay period ending October 16, 2009, in the amount of \$246,207.65 if the monies are available. Seconded by Jerel Poor. Roll call vote: Schoenbeck, yes; Poor, yes; Lindsley, yes; Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; Deckman, yes; 8 yeas. **Motion carried**.

City Clerk Diane Waller read **general warrant #5510**. Matt Hay moved to pay **general warrant #5510** the amount of \$672,568.51 if the monies are available. Seconded by Bob Lindsley. Roll call vote: Schoenbeck, yes; Poor, yes; Lindsley, yes; Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; Deckman, yes; 8 yeas. **Motion carried**.

Mayor Counts asked that agenda be amended to bring Committee Reports to this point in the meeting to discuss liquor businesses.

Bill Moritz offered a **motion to amend agenda** and so moved. Seconded by Bob Lindsley. Roll call vote: Schoenbeck, yes; Poor, yes; Lindsley, yes; Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; Deckman, yes; 8 yeas, **motion carried**.

Bill Moritz then stated **MIM Petroleum at 1919 Richardson Road has applied for an intoxicating liquor license in original package and on Sunday with Harpal Singh as Managing Officer** and offered a motion and so moved. Seconded by Matt Hay. Roll call vote: Schoenbeck, yes; Poor, yes; Lindsley, yes; Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; Deckman, yes; 8 yeas, **motion carried**.

Bill Moritz then stated. **Mark Whitman has applied for a change in managing officer.** Committee has reviewed and all is in order. Mr. Moritz then offered a motion to approve and so moved. Seconded by Bob Lindsley. Roll call vote: Schoenbeck, yes; Poor, yes; Lindsley, yes; Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; Deckman, yes; 8 yeas, **motion carried**.

Bill Moritz then stated he also had received a completed application for a **change in managing officer for Applebee's, 1110 Big Bill Road, with Steven Longenecker as Managing Officer** and made a motion and so moved. Seconded by Matt Hay. Roll call vote: Schoenbeck, yes; Poor, yes; Lindsley, yes; Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; Deckman, yes; 8 yeas, **motion carried**.

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Mary Holden spoke briefly. Council voiced no objection so the conditional use permit will stand approved.

## **BUSINESS FROM THE FLOOR**

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

**Mr. Ryan Egleston, 1946 Key West**, explained his frustration, as his home is not livable due to sewage problems and was asking for city's help in this matter. Mayor advised city staff would look into the problem.

Matt Unrein added city's insurance company has been made aware of this situation and is investigating.

**Mr. Egleston's wife** added some comments and also expressed her frustration with the situation.

**Mr. Brad Denny, 1830 Ridgeway**, representing the VFW, asked for an update regarding THF and is looking for answers on the issues with the building construction.

Mr. Unrein has talked with Alan Bornstein and they are working through documents. Everyone is working towards a resolution.

**Mr. Rich Puttman, 1940 Key West**, lives next door to Ryan Egleston and is aware of water damages and sinkholes. Offered photos for council review.

**Doris Borgelt, 653 Louisa**, directed comments about signage to Mr. Crisler.

**Dan Kroupa, 2092 Kroupa**, informed all of a benefit at Pomme Creek Golf Course on November 14 and challenged everyone to participate.

## ORDINANCES

**BILL NO. 2355 – AN ORDINANCE ACCEPTING LANDS KNOWN AS VILLAS AT WINDCREST PLAT ONE FOR PUBLIC USE AS STREETS AND ROADS; AUTHORIZING THE MAYOR OF THE CITY OF ARNOLD, MISSOURI TO EXECUTE A FORMAL ACCEPTANCE THEREOF; AND PROVIDING FOR THE RECORDING OF SAID ACCEPTANCE. A COPY OF SAID FORMAL ACCEPTANCE IS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE** was discussed.

**Bill No. 2355** was read twice by City Clerk Diane Waller. Roll call vote: Schoenbeck, yes; Poor, yes; Lindsley, yes; Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; Deckman, yes; 8 yes. **Ordinance passed.**

## RESOLUTIONS

**RESOLUTION NO. 09-54 A RESOLUTION APPROVING AN AGREEMENT WITH JEFFERSON COUNTY PUBLIC WATER DISTRICT #1** was discussed. Bill Moritz offered a motion and then so moved. Seconded by Karl Schoenbeck. Roll call vote: Schoenbeck, yes; Poor, yes; Lindsley, yes; Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; Deckman, yes; 8 yeas. **Resolution passed.**

**RESOLUTION NO. 09-55 A RESOLUTION APPOINTING RALPH QUEEN TO THE COMMISSION ON AGING AND DISABILITIES FOR A THREE YEAR TERM** was discussed. Jerel Poor moved on Resolution 09-55. Seconded by Jason Connell. Roll call vote: Schoenbeck, yes; Poor, yes; Lindsley, yes; Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; Deckman, yes; 8 yeas. **Resolution passed**

**RESOLUTION NO. 09-56 A RESOLUTION APPOINTING ANDREW R. SUTTON TO THE BOARD OF ADJUSTMENT** was discussed. Jerel Poor moved on Resolution 09-56. Seconded by Bill Moritz. Roll call vote: Schoenbeck, yes; Poor, yes; Lindsley, yes; Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; Deckman, yes; 8 yeas. **Resolution passed.**

## **MOTIONS**

A motion to waive formal bidding procedures and authorize the purchase of a one-ton service truck was discussed. Jerel Poor **moved to waive the formal bidding procedures and authorize the purchase of a one-ton service truck through the state bid program, in the amount of \$39,000** and so moved. Seconded by Matt Hay. Roll call vote: Schoenbeck, yes; Poor, yes; Lindsley, yes; Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; Deckman, yes; 8 yeas. **Motion carried.**

## **NEW BUSINESS**

There was a discussion regarding city attorney fees and how these fees have been increasing over the last few years.

Matt Hay stated Valley Park recently hired an attorney for a yearly fee and would like to see the City have a formal bid process to possibly consider doing the same.

Randy Crisler shared some facts and figures from other cities regarding their costs for their attorney.

Jason Connell expressed city should explore other options.

Matt Hay **offered a motion to solicit bids for legal services.** Seconded by Jerel Poor. Discussion continued. It was recommended this motion be amended to read “request for proposals for professional services”. It was amended.

Treasurer, Paul Freese, added that the needs for a city attorney are different from what would be required for normal attorney issues.

Joyce Deckman cautioned changing for cost issues as you “get what you pay for”.

Roll call vote: Schoenbeck, yes; Poor, yes; Lindsley, yes; Crisler, no, Hay, yes; Moritz, no; Connell, yes, Deckman, no, 5 yeas, 3 nays, **motion carried.**

Rising costs of city health insurance was discussed.

Chief shared how in the past a committee met to discuss this topic and felt it would be worthwhile doing again. Mayor agreed the committee would be helpful.

Matt Urein introduced Mark Linomaz, our health insurance broker, who briefly spoke on this subject.

Councilman Bob Lindsley volunteered to serve on this committee adding he has had experience in negotiations regarding health benefits

A resident in the audience, Ms. Egleston, shared some ideas on how her employee, St Anthony's Medical Center, offers incentives to keep costs down.

Jerel Poor reported he had complaints about our sign ordinance and made a motion to place a moratorium on our sign code. Matt Hay clarified it was a moratorium on on-site signs. Motion died for lack of a second.

The Mayor stated that years ago both the city and chamber got involved along with the businesses and everyone worked together. He directed Mary Holden to work with councilmen and take a look at these sign issues.

Joyce Deckman indicated there was an emergency situation in Ward 3 and she was worried the overtime restrictions would delay the work. Mr. Urein assured her this project would be completed soon, and had authorized the necessary overtime to keep project on track.

## **OLD BUSINESS**

The status of the televising of the council meetings was brought up and Mayor requested Matt Hay bring forth recommendations at the next meetings

Joyce Deckman questioned the Woodridge grant to shore up the creek and was concerned if it would be done in time. We don't want to lose any grant money.

She was informed we should complete by the deadline.

Bob Lindsley asked for an update on the Foxwood Estate. He reported there is dumping going on and questioned if it could be gated or some other solution. Staff directed to look at it and report at the next meeting.

Poor – thanked Mary Holden for a fencing problem solved.

### **COMMITTEE REPORTS**

Bob Lindsley stated 2 new Tourism members were present at the recent meeting. A Sewer Review committee meeting is scheduled for Nov 24 at 2 pm and a Public Hearing will follow Dec 10<sup>th</sup>..

### **REPORTS FROM MAYOR AND COUNCIL**

**Mayor Counts** – No Report

**Ward 4 – Karl Schoenbeck** – No Report

**Ward 2 – Bill Moritz** - Read a prepared statement about the upcoming appeal of the P & Z Commission denial regarding billboards.

**Ward 3 – Bob Lindsley** – No Report

**Ward 1 – Randy Crisler** - No Report

**Ward 3 – Joyce Deckman** – No Report

**Ward 2 – Jerel Poor** – No Report

**Ward 1 – Matt Hay** – No Report

**City Administrator Matt Unrein** – Acknowledged the situation with the VFW is really between them and THF. City is the intermediary. Attorney Sweeney added he is not certain we need documentation.

**City Clerk Diane Waller** – Advised there were issues with the recent municipal services bills being delivered.

Discussion on what could be done to advise those who, we suspect, did not get bills. This may require extra temporary personnel, use of the Code Red and the sending of those bills again. Discussion followed.

Randy Crisler offered a **motion to suspend the late fees until the next regular meeting on November 19, 2009** and so moved. Seconded by Bob Lindsley. Roll call vote: Schoenbeck yes; Poor, yes; Lindsley, yes; Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; Deckman, yes; 8 yeas, motion carried.

**Chief Shockey** – No report

**Parks Director Susie Boone** – Reported the park and golf course would be reopening soon. However, the Paw park will need a little more time because of the recent flooding.

**Community Development Director Mary Holden** – No report.

**Public Works Director – Bryson Baker** – No Report

**Treasurer Paul Freeze** – No Report.

**Attorney Robert Sweeney** – No Report

**Finance Director Deb Lewis** – No report

**Director of Administration Greg Hall** – Reported on Tourism meeting and upcoming GobbleRun.

A motion to close was offered by Jerel Poor. Seconded by Randy Crisler.  
Voice Vote: all yeas, motion carried and meeting adjourned at 8:40 pm.

Respectfully submitted,

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City Clerk

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