



**City Council Meeting
Council Chamber**

**October 19, 2023
7:00 P.M.**

Zoom Link – Internet Audio/Video:

<https://us02web.zoom.us/j/83074984752?pwd=Y29JbUZ2YmdlZVpmRXJGZElnTVhmQT09>

Dial-in Number: 312 626 6799

Meeting ID: 830 7498 4752

Passcode: 516179

AGENDA

1. Pledge of Allegiance and Opening Prayer
2. Roll Call
3. Business from the Floor
4. Consent Agenda
 - A. Regular Council Meeting Minutes from **September 21, 2023.**
 - B. Payroll Warrant **#T00568 in the Amount of \$436,057.72.**
 - C. Payroll Warrant **#T00573 in the Amount of \$403,609.25.**
 - D. General Warrant **#5843 in the Amount of \$1,490,709.63.**
 - E. General Warrant **#5844 in the Amount of \$430,363.35.**
5. Ordinances:

6. Resolutions:

- A. **Resolution #23-53** A Resolution Authorizing the Police Chief to Purchase Three (3) Flock Cameras and Enter into a Five-Year (5) Service Agreement with Flock Group Inc.
- B. **Resolution #23-54** A Resolution Reappointing Individuals to Serve on the Veterans Commission with Different Expiration Dates.
- C. **Resolution #23-55** A Resolution Authorizing an Intergovernmental Agreement Between the County of Jefferson, Missouri and Incorporated Municipalities for the One-Half of One-Percent Sales Tax for Capital, Improvements to Publicly Maintained Roads.

7. Motions:

- A. A Motion to Approve Liquor License Applications.
- B. A Motion to Approve PC-2023-23 Above and Below Filling Station (Conditional Use Permit)
- C. A Motion to Approve PC-2023-28 Bell-Brown Medical Institute (Conditional Use Permit)
- D. A Motion to Hold a Closed Session Immediately Following the City Council Meeting for Discussing Litigation RSMo Section 610.021 (1)

8. Reports from the Mayor and Council

9. Administrative Reports

10. Adjournment

Upon request, reasonable accommodations will be provided. Contact Tammi Casey, City Clerk, Arnold City Hall, 2101 Jeffco Boulevard, Arnold, Missouri 63010. Phone: 636-296-2100.

Mayor Ron Counts called the meeting to order at 7:03 p.m.

The council meeting was also presented live via Zoom Video Conferencing.

The pledge of allegiance was recited. Councilman Gary Plunk offered the prayer.

ROLL CALL

Those present per roll call taken by City Clerk Tammi Casey: Mayor Ron Counts, Fleischmann, Moritz, Hood, Fulbright, Mullins, Cooley, Plunk, McArthur, Richison, Bookless, Lehmann, Sweeney, Crutchley (excused), Wagner, Kroupa and Chief Carroll.

BUSINESS FROM THE FLOOR

None

CONSENT AGENDA

- A. REGULAR COUNCIL MEETING MINUTES FROM SEPTEMBER 7, 2023**
- B. PAYROLL WARRANT #T00550 IN THE AMOUNT OF \$345,112.64**
- C. GENERAL WARRANT #5842 IN THE AMOUNT OF \$516,486.68**

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

ORDINANCES

BILL NO 2865 – AN ORDINANCE FIXING THE ANNUAL RATE OF LEVY FOR TAXES was read twice by City Clerk Tammi Casey. Roll call vote: Fleischmann, yes; Moritz, yes; Hood, yes; Fulbright, yes; Mullins, yes; Cooley, yes; Plunk, yes; McArthur, yes; 8 Yeas: **Ordinance passed.**

RESOLUTIONS

RESOLUTION NO. 23-45 – A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT THE PROPOSAL FROM DUCTZ

EJ Fleischmann made a motion and so moved to approve Resolution No 23-45. Seconded by Rodney Mullins. Roll call vote: Fleischmann, yes; Moritz, yes; Hood, yes; Fulbright, yes; Mullins, yes; Cooley, yes; Plunk, yes; McArthur, yes; 8 Yeas: **Resolution passed.**

RESOLUTION NO. 23-46 – A RESOLUTION REPEALING RESOLUTION NOS. 05-29 (“PRIDE N R CITY – A NEIGHBORHOOD REBUILDING PROGRAM”), 08-22 (“FAÇADE IMPROVEMENT PROGRAM”), 08-48 (“VOLUNTEER SNIPE SIGN REMOVAL PROGRAM”), AND 09-08 (“WATER CONSERVATION REBATE PROGRAM”)

Butch Cooley made a motion and so moved to approve Resolution No 23-46. Seconded by Brian McArthur. Roll call vote: Fleischmann, yes; Moritz, yes; Hood, yes; Fulbright, yes; Mullins, yes; Cooley, yes; Plunk, yes; McArthur, yes; 8 Yeas: **Resolution passed.**

RESOLUTION NO. 23-47 – A RESOLUTION AUTHORIZING THE EXECUTION OF ANY NECESSARY DOCUMENTS WITH THE CITY’S DESIGNATED CONTRACTOR FOR THE DEMOLITION AND CLEARANCE OF ONE CITY-OWNED PROPERTY LOCATED AT 479 SPRUCE CT

EJ Fleischmann made a motion and so moved to approve Resolution No 23-47. Seconded by Bill Moritz. Roll call vote: Fleischmann, yes; Moritz, yes; Hood, yes; Fulbright, yes; Mullins, yes; Cooley, yes; Plunk, yes; McArthur, yes; 8 Yeas: **Resolution passed.**

Scriveners Note: Resolution Nos 23-48 and 23-49 were intentionally not used

RESOLUTION NO. 23-50 – A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT THE PROPOSAL FROM RUSH TRUCK CENTER OF MISSOURI

Gary Plunk made a motion and so moved to approve Resolution No. 23-50. Seconded by EJ Fleischmann. Roll call vote: Fleischmann, yes; Moritz, yes; Hood, yes; Fulbright, yes; Mullins, yes; Cooley, yes; Plunk, yes; McArthur, yes; 8 Yeas: **Resolution passed.**

RESOLUTION NO. 23-51 – A RESOLUTION RESCINDING RESOLUTION NO 13-75 AND ANY POLICY AND GUIDELINES CONCERNING POLICE VEHICLES

Mark Hood made a motion and so moved to approve Resolution No. 23-51. Seconded by Brian McArthur. Roll call vote: Fleischmann, yes; Moritz, yes; Hood, yes; Fulbright, yes; Mullins, yes; Cooley, yes; Plunk, yes; McArthur, yes; 8 Yeas: **Resolution passed.**

RESOLUTION NO. 23-52 – A RESOLUTION APPROVING A QUOTE FOR 2 POLICE MOTORCYCLES BY ST CHARLES HARLEY-DAVIDSON

EJ Fleischmann made a motion and so moved to approve Resolution No. 23-52. Seconded by Gary Plunk. Roll call vote: Fleischmann, yes; Moritz, yes; Hood, yes; Fulbright, yes; Mullins, yes; Cooley, yes; Plunk, yes; McArthur, yes; 8 Yeas: **Resolution passed.**

MOTIONS

A. A MOTION TO APPROVE LIQUOR LICENSE APPLICATIONS

Tammi Casey informed council that the Liquor Committee had nothing to bring forward this evening.

B. A MOTION TO APPROVE PC-2023-25 COMPASS HEALTH DENTAL CLINIC (CONDITIONAL USE PERMIT)

David Bookless informed council that the Planning Commission held a public hearing for this CUP at its September 12, 2023 meeting. The Planning Commission is forwarding a recommendation of approval by a vote of 8-0. If no action is taken tonight, the conditional use permit stands approved. No action was taken.

C. A MOTION TO APPROVE PC-2023-26 GOOD DAY FARM COMPREHENSIVE MARIJUANA DISPENSARY FACILITY (CONDITIONAL USE PERMIT)

David Bookless informed council that the Planning Commission held a public hearing for this CUP at its September 12, 2023 meeting. The Planning Commission is forwarding a recommendation of approval by a vote of 6-2. If no action is taken tonight, the conditional use permit stands approved. No action was taken.

REPORTS FROM MAYOR AND COUNCIL

Mayor Counts – Stated he thought the parade and Arnold Days was very successful and he appreciates all the hard work staff puts into this event each year.

EJ Fleischmann, Ward 1 – Echoed the Mayors comments.

Gary Plunk, Ward 4 – Encourages everyone to attend the Veterans Commission Trivia Night, which will be held at the Rec Center on October 21st. Mr. Plunk also stated that construction for the Veterans Memorial begins Monday.

Rodney Mullins, Ward 3 – Informed council that the Veterans Commission has been soliciting for sponsors of the memorial and is having good success.

Bill Moritz, Ward 2 – Stated he is glad to see how quickly Parks and Rec moved to close off the playground at Arnold City Park when safety issues arose.


ADMINISTRATIVE REPORTS

Bryan Richison – Stated that the City will provide access at 479 Spruce Court to the Fire Department, so that they can provide valuable training to fire fighters, before we demolish the building. Mr. Richison also informed council that carnival ride ticket sales at Arnold Days this year set an all-time record. Also, the Parks Department believes the playground at Arnold City Park is unsalvageable, and how council wishes to move forward will be discussed at a future Work Session.

A motion to adjourn the meeting was made by Butch Cooley. Seconded by Bill Moritz.

Voice vote: All Yeas.

Meeting adjourned at 7:23 p.m.


City Clerk Tammi Casey, CMC/MRCC-S

CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: COUNCIL MEETING

DATE: 9/21/2023

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BILL NO - RESOLUTION - MOTION

		ROLL CALL	CONSENT AGENDA	BILL NO 2865	RESOLUTION NO 23-45	RESOLUTION NO 23-46	RESOLUTION NO 23-47	
COUNCIL MEMBERS:								
MAYOR	<u>RON COUNTS</u>	PRESENT						
COUNCIL:	<u>EJ FLEISCHMANN</u>	PRESENT	YES	YES	YES	YES	YES	
COUNCIL:	<u>BILL MORITZ</u>	PRESENT	YES	YES	YES	YES	YES	
COUNCIL:	<u>MARK HOOD</u>	PRESENT	YES	YES	YES	YES	YES	
COUNCIL:	<u>JASON FULBRIGHT</u>	PRESENT	YES	YES	YES	YES	YES	
COUNCIL:	<u>RODNEY MULLINS</u>	PRESENT	YES	YES	YES	YES	YES	
COUNCIL:	<u>BUTCH COOLEY</u>	PRESENT	YES	YES	YES	YES	YES	
COUNCIL:	<u>GARY PLUNK</u>	PRESENT	YES	YES	YES	YES	YES	
COUNCIL:	<u>BRIAN MCARTHUR</u>	PRESENT	YES	YES	YES	YES	YES	
CITY ADMINISTRATOR	BRYAN RICHISON	PRESENT	PARKS DIR:		DAVE CRUTCHLEY	EXCUSED		
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.		CHIEF CARROLL	PRESENT		
CITY ATTORNEY	BOB SWEENEY	PRESENT						

CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: COUNCIL MEETING

DATE: 9/21/2023

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BILL NO - RESOLUTION - MOTION

		RESOLUTION NO 23-50	RESOLUTION NO 23-51	RESOLUTION NO 23-52			
COUNCIL MEMBERS:							
MAYOR	RON COUNTS						
COUNCIL:	EJ FLEISCHMANN	YES	YES	YES			
COUNCIL:	BILL MORITZ	YES	YES	YES			
COUNCIL:	MARK HOOD	YES	YES	YES			
COUNCIL:	JASON FULBRIGHT	YES	YES	YES			
COUNCIL:	RODNEY MULLINS	YES	YES	YES			
COUNCIL:	BUTCH COOLEY	YES	YES	YES			
COUNCIL:	GARY PLUNK	YES	YES	YES			
COUNCIL:	BRIAN MCARTHUR	YES	YES	YES			
CITY ADMINISTRATOR	BRYAN RICHISON		PARKS DIR:	DAVE CRUTCHLEY			
CITY CLERK	TAMMI CASEY		PUBLIC WORKS:	JUDY WAGNER			
COM DEV	DAVID BOOKLESS		TREASURER:	DAN KROUPA			
FINANCE DIRECTOR	BILL LEHMANN		POLICE DEPT.	CHIEF CARROLL			
CITY ATTORNEY	BOB SWEENEY						

RESOLUTION NO: 23-53

A RESOLUTION AUTHORIZING THE POLICE CHIEF TO
PURCHASE THREE (3) FLOCK CAMERAS AND ENTER INTO A
FIVE-YEAR (5) SERVICE AGREEMENT WITH
FLOCK GROUP INC.

BE IT RESOLVED by the Council of the City of Arnold, Missouri, that the Mayor be, and is hereby authorized to execute the proposal from Flock Group Inc.

A copy of said proposal is attached hereto and made a part of hereof reference.

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

Date: _____

Flock Safety + MO - Arnold PD

Flock Group Inc.
1170 Howell Mill Rd, Suite 210
Atlanta, GA 30318

MAIN CONTACT:

Lisa Dunn
lisa.dunn@flocksafety.com
3146032079

flock safety



ORDER FORM

This order form (“**Order Form**”) hereby incorporates and includes the terms of the previously executed agreement (the “**Terms**”) which describe and set forth the general legal terms governing the relationship (collectively, the “**Agreement**”). The Terms contain, among other things, warranty disclaimers, liability limitations and use limitations.

This additional services Agreement will be effective when this Order Form is executed by both Parties (the “**Effective Date**”)

Customer:	MO - Arnold PD	Initial Term:	60 Months
Legal Entity Name:	MO - Arnold PD	Renewal Term:	24 Months
Accounts Payable Email:	bcarroll@arnoldmo.org	Payment Terms:	Net 30
Address:	2101 Jeffco Blvd Arnold, Missouri 63010	Billing Frequency:	Annual Plan - First Year Invoiced at Signing.
		Retention Period:	30 Days

Hardware and Software Products

Annual recurring amounts over subscription term

Item	Cost	Quantity	Total
Flock Safety Platform			\$9,000.00
Flock Safety Flock OS			
FlockOS™	Included	1	Included
Flock Safety LPR Products			
Flock Safety Falcon®	Included	3	Included

Professional Services and One Time Purchases

Item	Cost	Quantity	Total
One Time Fees			
Flock Safety Professional Services			
Professional Services - Existing Infrastructure Implementation Fee	\$150.00	3	\$450.00
		Subtotal Year 1:	\$9,450.00
		Annual Recurring Subtotal:	\$9,000.00
		Discounts:	\$225,000.00
		Estimated Tax:	\$0.00
		Contract Total:	\$45,450.00

*Taxes shown above are provided as an estimate. Actual taxes are the responsibility of the Customer. This Agreement will automatically renew for successive renewal terms of the greater of one year or the length set forth on the Order Form (each, a “**Renewal Term**”) unless either Party gives the other Party notice of non-renewal at least thirty (30) days prior to the end of the then-current term.*

Billing Schedule

Billing Schedule	Amount (USD)
Year 1	
At Contract Signing	\$9,450.00
Annual Recurring after Year 1	\$9,000.00
Contract Total	\$45,450.00

*Tax not included

Discounts

Discounts Applied	Amount (USD)
Flock Safety Platform	\$225,000.00
Flock Safety Add-ons	\$0.00
Flock Safety Professional Services	\$0.00

Product and Services Description

Flock Safety Platform Items	Product Description	Terms
Flock Safety Falcon ®	An infrastructure-free license plate reader camera that utilizes Vehicle Fingerprint® technology to capture vehicular attributes.	The Term shall commence upon first installation and validation of Flock Hardware.

One-Time Fees	Service Description
Installation on existing infrastructure	One-time Professional Services engagement. Includes site & safety assessment, camera setup & testing, and shipping & handling in accordance with the Flock Safety Advanced Implementation Service Brief.
Professional Services - Standard Implementation Fee	One-time Professional Services engagement. Includes site and safety assessment, camera setup and testing, and shipping and handling in accordance with the Flock Safety Standard Implementation Service Brief.
Professional Services - Advanced Implementation Fee	One-time Professional Services engagement. Includes site & safety assessment, camera setup & testing, and shipping & handling in accordance with the Flock Safety Advanced Implementation Service Brief.

FlockOS Features & Description

Package: Essentials

FlockOS Features	Description
Community Cameras (Full Access)	Access to all privately owned Flock devices within your jurisdiction that have been shared with you.
Unlimited Users	Unlimited users for FlockOS
State Network (LP Lookup Only)	Allows agencies to look up license plates on all cameras opted in to the statewide Flock network.
Nationwide Network (LP Lookup Only)	Allows agencies to look up license plates on all cameras opted in to the nationwide Flock network.
Direct Share - Surrounding Jurisdiction (Full Access)	Access to all Flock devices owned by law enforcement that have been directly shared with you. Have ability to search by vehicle fingerprint, receive hot list alerts, and view devices on the map.
Time & Location Based Search	Search full, partial, and temporary plates by time at particular device locations
License Plate Lookup	Look up specific license plate location history captured on Flock devices
Vehicle Fingerprint Search	Search footage using Vehicle Fingerprint™ technology. Access vehicle type, make, color, license plate state, missing / covered plates, and other unique features like bumper stickers, decals, and roof racks.
Flock Insights/Analytics page	Reporting tool to help administrators manage their LPR program with device performance data, user and network audits, plate read reports, hot list alert reports, event logs, and outcome reports.
ESRI Based Map Interface	Flock Safety's maps are powered by ESRI, which offers the ability for 3D visualization, viewing of floor plans, and layering of external GIS data, such as City infrastructure (i.e., public facilities, transit systems, utilities), Boundary mapping (i.e., precincts, county lines, beat maps), and Interior floor plans (i.e., hospitals, corporate campuses, universities)
Real-Time NCIC Alerts on Flock ALPR Cameras	Alert sent when a vehicle entered into the NCIC crime database passes by a Flock camera
Unlimited Custom Hot Lists	Ability to add a suspect's license plate to a custom list and get alerted when it passes by a Flock camera

By executing this Order Form, Customer represents and warrants that it has read and agrees to all of the terms and conditions contained in the previously executed agreement. The Parties have executed this Agreement as of the dates set forth below.

FLOCK GROUP, INC.

Customer: MO - Arnold PD

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

PO Number: _____

RESOLUTION NO: 23-54

A RESOLUTION RE-APPOINTING INDIVIDUALS TO SERVE ON THE VETERANS
COMMISSION 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 the Veterans Commission until their term expires or a successor has been duly appointed and qualified.

1. Larry L. Boyce is hereby re-appointed to the Veterans Commission as a Veteran Member to serve a three-year term that will expire on April 02, 2026.
2. Lloyd Seifert is hereby re-appointed to the Veterans Commission as a Veteran Member to serve a three-year term that will expire on April 01, 2026.
3. Patricia Seifert is hereby re-appointed to the Veterans Commission to serve a three-year term expiring on August 31, 2026.
4. Paul Buffa is hereby re-appointed to the Veterans Commission to serve a three-year term expiring on August 31, 2025.

Presiding Officer of the City Council

Mayor Ron Counts

ATTEST:

City Clerk Tammi Casey

Date: _____

RESOLUTION NO 23-55

**A RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT
BETWEEN THE COUNTY OF JEFFERSON, MISSOURI AND
INCORPORATED MUNICIPALITIES FOR THE ONE-HALF OF ONE-
PERCENT SALES TAX FOR CAPITAL IMPROVEMENTS TO PUBLICLY
MAINTAINED ROADS**

WHEREAS, Jefferson County has a one-half of one-percent ($\frac{1}{2}$ of 1%) sales tax for road improvements;
and

WHEREAS, Jefferson County desires and agrees to share a portion of the sales tax proceeds with the
incorporated municipalities within the county;

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

Section 1. The calendar 2024 tax revenue sharing agreement between Jefferson County and the City of
Arnold is hereby approved.

Presiding Officer of the City Council

Mayor Ron Counts

ATTEST:

City Clerk: Tammi Casey

Date: _____

TAX REVENUE SHARING AGREEMENT

BY AND BETWEEN JEFFERSON COUNTY, MISSOURI

AND

INCORPORATED MUNICIPALITIES FOR THE ONE-HALF OF ONE-PERCENT
SALES TAX FOR CAPITAL IMPROVEMENTS TO
PUBLICLY MAINTAINED ROADS

This Tax Revenue Sharing Agreement of the one-half of one-percent sales tax for capital improvements to publicly maintained roads, dated as of **January 1, 2024**, is entered into by and between Jefferson County, Missouri (hereafter, the “County”), a county of the first classification, and the _____, Missouri, an incorporated municipality of Jefferson County, Missouri (hereafter, the “City”).

RECITALS

The County desires and agrees to share and the City desires and agrees to receive and spend the revenue generated by the imposition of a county-wide sales tax at the rate of one-half of one-percent (1/2 of 1%) for capital improvements to publicly maintained roads, as adopted by the voters of Jefferson County on April 1, 1986 and authorized by the County Commission on April 10, 1986; said original tax to expire fifteen (15) years from the date of its original authorization of September 30, 1986 and subsequently extended twice for two additional fifteen (15) year renewals subsequent to its original date of expiration.

WHEREFORE, for valuable consideration and the mutual promises contained herein, County and City agree as follows:

SECTION 1: CAPITAL IMPROVEMENTS

- 15.1 Capital improvements to publicly maintained roads must occur within the right-of-way (prescriptive or dedicated), and/or grading, drainage easements.
- 15.2 Capital improvements do not include normal road maintenance.
- 15.3 The following items, but not limited to, are eligible for funding with capital improvement tax monies.
 - 15.3.1 Purchase of equipment used exclusively for road improvements.
 - 15.3.2 Construction of new roads and appurtenances.
 - 15.3.3 Road rebuilding and pavement overlays.
 - 15.3.4 Drainage structures.
 - 15.3.5 Bridges.

15.3.6 Salaries of personnel employed to make and administer road improvements.

15.3.7 Engineering and planning fees for the preparation of plans and specifications.

15.4 The City shall submit to the County Council, by November 30th each year, a list of all capital improvements and estimated costs anticipated for the calendar year beginning January 1st and ending December 31st of the following year.

15.4.1 A brief description of each anticipated road improvement project shall be submitted for eligibility approval prior to commencement of capital improvement roadwork.

1.4.1.1 Additional proposed projects and capital improvements can be submitted to the County at any time.

15.4.2 The County Engineer shall ascertain if the proposed capital improvement and/or project are eligible for reimbursement or direct payment.

15.4.3 Processing of payment requests will be withheld from cities failing to submit a list of all capital improvements with estimated costs until such time that all requested information is submitted.

SECTION 2: PUBLICLY MAINTAINED ROADS AND FACILITIES

2.1 For use in the tax revenue sharing formula, a publicly maintained road is defined as a throughway maintained by the City or County for at least three (3) years, utilized by vehicular traffic, fronting on residences, businesses, industries and farms; subject to the following limitations:

2.1.1 Alleys, dead-end streets, roads within industrial or municipal parks, drives and parking areas serving government buildings, sidewalks and bike trails shall not be classified as publicly maintained roads.

2.1.2 The existing road surface must consist of one of the following: concrete, asphalt, macadam, crushed stone, or gravel.

2.1.3 Public rights-of-way that have not been improved and surfaced shall not be classified as a publicly maintained road.

2.2 For the purpose of capital improvement funding eligibility, a publicly maintained facility is defined as a transportation improvement maintained by the City or County, utilized by pedestrian or vehicular traffic, not classified as a roadway that is to be included in the tax revenue sharing formula; subject to the following limitations:

2.2.1 Alleys and dead-end streets shall be classified as publicly maintained facilities.

2.2.2 Named streets within industrial or municipal parks shall be classified as publicly maintained facilities.

2.2.3 Named drives, parking areas serving government buildings and public parking lots shall be classified as publicly maintained facilities.

2.2.4 Sidewalks, street lighting and bike trails that are immediately adjacent to any of the capital improvements stated in Sections 2.1 and 2.2 shall be classified as publicly maintained facilities.

SECTION 3: TAX REVENUE SHARING FORMULA

3.1 The tax revenue sharing formula is established to determine the equitable share that unincorporated Jefferson County and the incorporated Cities within Jefferson County shall receive from the one-half cent sales tax for capital improvements to publicly maintained roads and facilities.

3.2 The formula is based on the following:

3.2.1 Fifty percent of the City/County share on percentage of total road mileage.

3.2.2 Fifty percent of the City/County share on percentage of total population.

3.3 The tax revenue sharing formula is described in the equations printed below:

$$50\% \text{ of Share} = \frac{\text{total tax revenue}}{2} \times \frac{\text{individual City or unincorporated County total road mileage}}{\text{total road mileage of Jefferson County}}$$

$$50\% \text{ of Share} = \frac{\text{total tax revenue}}{2} \times \frac{\text{individual City or unincorporated County total population}}{\text{population of Jefferson County}}$$

3.4 The sum of the two equations is the total tax received by the City or County.

3.5 Revenue shall be allocated to the City and the County on a monthly basis.

3.6 Total road mileage of Jefferson County is equal to the summation of publicly maintained road mileage in all incorporated and unincorporated areas.

3.7 Total population of Jefferson County is equal to the summation of all population in incorporated and unincorporated areas.

3.8 An incentive bonus program exists for any City that generates a certain share on percentage of the total gross sales within the County for the previous calendar year ending December 31st. The bonus shall be received by the City over the course of the following year in monthly increments and funded out of the County portion of the tax sharing allocation. For the avoidance of doubt, any one (1) City may qualify for no more than one (1) of the incentive levels described in Section 3.8 or its sub-sections in any given year. This program is to be effective as of and after January 1, 2016. The following is the gross sales ranges with the associated incentive bonus:

3.8.1 An additional sum total of 1.5% of the total estimated sales tax to be collected shall be allotted to the City when total gross sales rate for the City exceeds 20% of the total gross sales for the entire County.

3.8.2 An additional sum total of 3.0% of the total estimated sales tax to be collected shall be allotted to the City when total gross sales rate for the City exceeds 25% of total gross sales for the entire County.

3.8.3 An additional sum total of 4.5% of the total estimated sales tax to be collected shall be allotted to the City when total gross sales rate for the City exceeds 30% of total gross sales for the entire County.

SECTION 4: ROAD MILEAGE

4.1 A newly incorporated City shall submit to the County, the following:

4.1.1 A road map showing the publicly maintained roads within its corporate boundaries. The publicly maintained roads shall be highlighted and named.

4.1.1.1 Roads maintained by the State of Missouri shall not be counted.

4.1.2 A list of all publicly maintained roads and associated road mileage.

4.2 A newly incorporated City shall submit a road map and a list of all publicly maintained roads with associated road mileage in accordance with Section 4.1.1 and 4.1.2 to the County by October 31st following the date of incorporation.

4.2.1 Only publicly maintained roads previously inventoried by the County may be inventoried by the City.

4.2.2 The newly incorporated city's share of tax revenue shall become effective October 1st following the date of incorporation.

4.2.3 New incorporated cities shall be subject to the same regulations as those cities incorporated before October 31, 1986.

4.3 The summation of all of the road mileage for each City will be utilized in the "Tax Revenue Sharing Formula".

4.4 The City's total mileage of publicly maintained roads shall only be updated once annually by the County Engineer with the following exception:

4.4.1 Publicly maintained road mileage may be increased by annexation of additional area into the incorporated limits of the City. Only publicly maintained roads previously inventoried by the County may be added to the city inventory.

4.4.1.1 A revised road map of publicly maintained roads and a list of all publicly maintained roads with associated road mileage (clearly identifying the publicly maintained roads being added through annexation only) may be submitted yearly, no later than October 31st.

4.5 Private Roads accepted for maintenance by the City shall only be added to the list of publicly maintained roads under the annual inventory update performed by the County Engineer.

4.6 Redistribution of publicly maintained total road mileage between the City and the County due to annexation of additional areas by the City shall be effective January 1st each sales tax year.

SECTION 5: POPULATION

5.1 The City shall submit to the County Council the total number of its population within its incorporated limits.

5.2 The population shall be established by the most recent United States Decennial Census for the City.

5.3 The population number will be utilized in the “Tax Revenue Sharing Formula”.

5.4 The total population of the City may only be updated by the next United States Decennial Census with the following exceptions:

5.4.1 The City may increase its population by annexing additional area into its corporate limits. The population within the annexed area shall be established by one of the two following methods:

5.4.1.1 Annexation report, if available.

5.4.1.2 Applying the following formula:

Population = persons per dwelling unit x number of dwelling units.

5.5 If the City was incorporated after the most recent Census report then its population shall be established by one of the two following methods:

5.5.1 Incorporation report, if available.

5.5.2 Applying the following formula:

Population = persons per dwelling unit x number of dwelling units.

5.6 The following terms have the following meanings as apply to Sections 5.4.1.2 and 5.5.2:

5.6.1 “Person per dwelling unit” shall be established by the most current Decennial Census of the United States Census Bureau according to the “Persons Per Dwelling Unit” established for each municipality.

5.6.2 “Number of Dwelling Units” shall be submitted by the municipality.

5.6.3 “Persons per Dwelling Unit” shall be established by the most current Decennial Census of the United States Census Bureau according to the “Person Per Dwelling Unit” established by appropriate census tract.

5.6.4 “Number of Dwelling Units” shall be submitted by the municipality per census tract.

5.7 The City’s population number will be revised (for utilization in the tax revenue sharing formula) if the United States Decennial Census is officially revised by the Census Bureau.

5.7.1 The revised population number will become effective January 1st following the official publication of the population revision.

5.7.2 The City will not be eligible to claim from the County Capital Improvement Tax Fund, a retroactive increase in shares of tax revenue due to an increase in population.

5.7.3 The City will not be liable to reimburse the County Capital Improvement Tax Fund for a retroactive decrease in shares of tax revenue due to a decrease in population.

5.7.4 The City shall submit, yearly, no later than October 31st, a revised population number if the official Decennial Census was revised.

5.8 The City may submit a revised population number reflecting an increase in population (gained only through annexation), no later than October 31st yearly.

5.9 Redistribution of the population numbers between the City and the County due to annexation of additional area shall be effective January 1st of each year.

SECTION 6: COST ACCOUNTING

6.1 The cost of implementing capital improvements shall be accounted for in accordance with the following procedures:

6.2 Interest income earned by the investment of capital improvement money shall be expended only for approved defined road improvements.

6.3 The cost of third party construction and professional contracts plus the cost of administering these contracts by City personnel shall be reimbursable or directly payable.

6.3.1 The cost of administration of construction or professional contracts by City personnel shall be accounted for by the following formula:

63.1.1 Total Cost of Administration = Hours actually incurred x direct personnel expenses (DPE) for persons performing administrative tasks.

6.4 The cost of road improvements implemented by the City personnel shall be reimbursable.

6.5 The cost of materials is reimbursable or directly payable.

6.6 The costs of labor, supervision and administration are reimbursable and shall be calculated based on the following formulas:

6.6.1 Total cost of labor supervision and administration is equal to the product of hours actually worked by persons multiplied by direct personnel expenses (DPE).

66.1.1 Direct personnel expenses (DPE) is equal to direct salary cost multiplied by 1 plus the fringe benefit burden factor (FBBF)

6.7 The cost of equipment rental from private sources and fuel for rental equipment is reimbursable or directly payable.

6.8 The cost of extraordinary expenses such as the cost of high wear-out ground engaging components, such as hammers, drill bits, teeth, etc., are reimbursable or direct payable.

6.9 The cost of equipment owned and operated by the City (not purchased with capital improvement funds) which is utilized for approved road improvements is reimbursable.

6.10 The cost of equipment and operating expenses shall be calculated based on the following formulas:

6.10.1 In accordance with procedures established by the Missouri Highway and Transportation Commission. The most current "Rental Rate Blue Book", or designated equivalent, shall be utilized to calculate cost recovery (rental rates) and operating cost/hour, (estimated operating cost/hour) for equipment.

6.10.2 Cost recovery (rental rates) is dictated by the "Rental Rate Blue Book" by equipment manufacturer and model. Rates are calculated based on the year each model was discounted and are adjusted for climate and regional costs.

6.11 Fringe Benefit Burden Factor (FBBF) is defined as: total cost of municipal fringe benefits as defined for the municipality's last fiscal year divided by total Gross Payroll of the municipality for the last fiscal year.

6.11.1 Fringe benefits include: FICA, FUTA, vacation, sick pay, holidays, workman's compensation insurance, health insurance, pension benefits, etc.

6.12 Operating cost/hour shall be calculated based on the actual number of hours a particular piece of equipment is operated.

6.13 Equipment purchased by the City with capital improvement funds shall not be eligible for cost recovery.

6.14 Equipment purchased by the City with capital improvement funds shall be eligible to account for operating cost/hour.

SECTION 7: TAX REVENUE SHARE ALLOCATION AND DISBURSEMENT PROCEDURE

7.1 The County shall, upon receiving tax revenue from the State of Missouri, deposit the revenue into the County Capital Improvement Fund Account.

7.2 Shares of the fund shall be allocated to each program participating city and the County in accordance with the Tax Revenue Sharing Formula.

7.2.1 Interest accrued on the tax fund shall be credited to each City's account and the County's account

7.2.2 Each program participating City and the County shall receive a monthly tax revenue share statement.

7.3 The City shall submit to the Department of Public Works, payment requests for capital improvements made the previous period.

7.3.1 The City shall submit online payment requests using the following link:
<https://jeffcomo.seamlessdocs.com/f/PWCityReimburse>.

7.3.1.1 An instructional guide to completing the web-based Reimbursement Request Form shall be provided by the Department of Public Works.

7.3.1.2 Each project or other capital improvement payment request shall provide proof to the County that a competitive bidding process was followed by one of the following methods:

- (1) For equipment purchases, the City shall provide a copy of an approved form of legislation (i.e. City Ordinance, etc.) supporting the award, or written quotes from two (2) or more vendors/suppliers and a written explanation for award to the chosen company.
- (2) For State or Federally funded infrastructure projects, the City shall provide a copy of an approved form of legislation (i.e. City Ordinance, approved funding agency agreement, etc.) supporting the contractor award. This is only a requirement for the first invoicing of each project.
- (3) For locally funded infrastructure projects, the City shall provide a copy of an approved form of legislation (i.e. City Ordinance, etc.) supporting the contractor award or written quotes from two (2) or more contractors, and a written explanation for award to the chosen company. This is only a requirement for the first invoicing of each project.
- (4) For **all** infrastructure projects, the City shall provide a copy of an approved form of legislation (i.e. City Ordinance, etc.) supporting a contract award to a Consultant for architectural, engineering, and/or land surveying services, and all appropriate documentation to prove that the firm was chosen in compliance with RSMo 8.285 through 8.291. This is only a requirement for the first invoicing of each project milestone (i.e. consultant services, right-of-way acquisition and construction inspection).

This provision will apply to any architectural, engineering, and/or land surveying services contracts executed by the City as of January 1, 2024.

Failure to comply with the provisions of Section 7.3.1.2 shall result in a recommendation from the Department of Public Works that the Jefferson County Council deny the City's reimbursement request.

- 7.3.2 The County Engineer shall ascertain if the request is eligible for reimbursement.
- 7.3.3 The County Engineer shall then submit an Ordinance to the County Council for a recommendation of approval or denial of any reimbursement requests received by noon on the Monday prior to the next regular meeting of the County Council.
- 7.3.4 The City shall submit payment requests only for capital improvements and projects previously submitted to the County and approved for eligibility.
- 7.3.5 Requests for payment received by noon on the Monday prior to the next County Council regular meeting agenda deadline, as established by the Director of Administration, will be processed for payment upon final execution of the approved Ordinance.
 - 7.3.5.1 Payments shall be made directly to the issuer of the invoice.

This Agreement, containing seven (7) sections, represents the complete understanding of the parties to the Agreement. No changes shall be made to this Agreement except in writing and approved by the parties. This Agreement shall be subject to renewal at the end of the sales tax year.

This Agreement shall be in full force and effect after its passage by the Jefferson County, Missouri, Council and the City through **December 31, 2024**, and is subject to renewal thereafter upon mutual agreement of the parties.

Both County and the City have adopted an appropriate resolution, order or ordinance authorizing the execution of this Agreement.

JEFFERSON COUNTY, MISSOURI:

By: _____
Dennis Gannon, Jefferson County, Missouri, Executive

Attest:

Jeannie Goff, County Clerk

By: _____
Deputy County Clerk

Approved as to form:

Jalesia F.M. Kuenzel, County Counselor

CITY OF _____, MISSOURI:

By: _____
Chief elected official

Title

Attest:

Clerk



CITY COUNCIL AGENDA ITEM STAFF REPORT

MEETING DATE:	October 19, 2023
TITLE:	PC-2023-23 Above and Below Filling Station (Conditional Use Permit)
DEPARTMENT:	Community Development
PROJECT MANAGER:	Sarah Turner, Senior Planner
REQUESTED ACTION:	No Action, Conditional Use Permit stands approved
ATTACHMENTS:	(1) C.U.P. 2023-23 (2) October 10, 2023 Planning Commission Meeting Minutes

EXECUTIVE SUMMARY:

Greg Currington, a representative of Above and Below Contracting LLC, requested approval of a Conditional Use Permit (CUP) for a “Filling Station” to allow for an on-site private filling/fueling station at a proposed utility contractor’s office and storage yard at an unaddressed parcel at the corner of Arnold Tenbrook Rd and Cliff Dr, within the “M-2” Industrial District.

REVIEW & ANALYSIS:

At its October 10, 2023 meeting, the Planning Commission held a public hearing for the CUP application. In addition to the CUP application, the applicant had requested a waiver from the Tree Preservation ordinance’s requirement to provide a tree survey. Staff found the request consistent with the CUP review criteria contained in the Zoning Ordinance subject to conditions of approval. The Commission had no follow-up questions of note for the applicant or Staff. There were no public comments on the request.

The proposed fence requires a variance from the Board of Adjustment to be constructed as shown on the site plan. The applicant has submitted a variance request that is currently on the November 8th Board of Adjustment agenda. Staff proposed conditions of approval that would require the fence to be constructed in compliance with code if the variance is not approved.

RECOMMENDATION:

On October 10, 2023, the Planning Commission, by a vote of 5 to 0, voted to recommend approval of the Conditional Use Permit subject to six (6) conditions of approval recommended by Staff. In the same motion, the Planning Commission approved the Tree Preservation waiver.

CONDITIONAL USE PERMIT 2023-23

WHEREAS, The City of Arnold has received a request for a request for a Conditional Use Permit (CUP) for a “Filling/Fueling Station” at an unaddressed parcel at the corner of Arnold Tenbrook Rd and Cliff Dr, to allow for a on-site private filling/fueling station at a proposed utility contractor’s office and storage yard within the “M-2” Industrial District, as provided in the Arnold Zoning Ordinance; and

WHEREAS, on October 10, 2023, the Planning Commission has held a Public Hearing, reviewed the application for CUP and associated site plan pursuant to the laws of the City of Arnold, and;

WHEREAS, on October 19, 2023, 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 an on-site private filling/fueling station at a utility contractor’s office. This Conditional Use Permit shall be identified as C.U.P. 2023-23 and shall be developed in general conformance with City of Arnold Ordinances and with Commission findings with the following six (6) conditions:

1. The utility contractor’s office with associated storage yard and private fueling/filling station shall be established and operated according to the attached site plan.
2. Fencing shall be constructed in compliance with Section 405.050(C)(19), Fencing Standards, of the Arnold Code of Ordinances, unless relief from those regulations is granted by the Board of Adjustment.
3. Comments from Jeff DeLapp, Rock Community Fire Department Fire Marshal:
 - a. Fire hydrants shall be required on site.
 - b. Access road shall meet the 2021 IFC Appendix D.
4. This Conditional Use Permit may be revoked by the City Council if the terms of the permit have been found to have been violated. The procedure for revocation shall require a hearing before the City Council.
5. Revocation of this Conditional Use Permit shall constitute grounds for the revocation of all other City licenses and/or permits associated with this business establishment.
6. Approval for Conditional Use Permit does not supersede other local, state, or federal requirements.

Phil Hogan
Acting Planning Commission Chairman

Date

Before me personally appeared Phil Hogan, known to be the Acting Chairman of the Planning Commission for the City of Arnold, who executed the same on the City of Arnold’s behalf.

Notary

Date

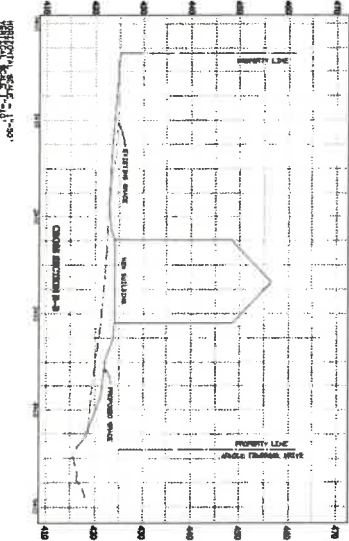
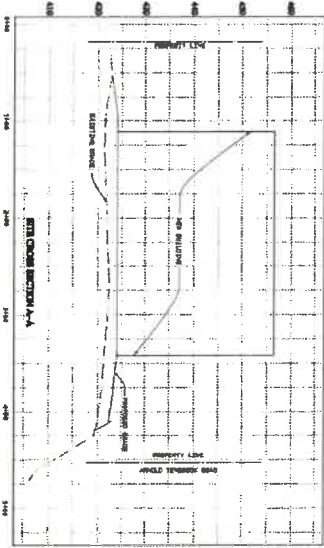
EXHIBIT A

Site Improvement Plan ABOVE & BELOW

Located in Plat Book 20227-00002
Section 24, Township 43 North, Range 6 East,
City of Arnold, Jefferson County, Missouri
Zoned M2



Location Map
of 1/2 Scale



COVER SHEET

ALL TYPED AND PRINTED MATTER ON THIS PLAN SHALL BE THE PROPERTY OF THE ENGINEER AND SHALL BE KEPT IN HIS OFFICE FOR A PERIOD OF FIVE YEARS AFTER THE DATE OF THE ISSUANCE OF THIS PLAN. ANY REVISIONS TO THIS PLAN SHALL BE MADE BY THE ENGINEER AND SHALL BE KEPT IN HIS OFFICE FOR A PERIOD OF FIVE YEARS AFTER THE DATE OF THE ISSUANCE OF THIS PLAN.

SCALE: 1/4" = 1'-0"

DATE: 1/15/11

PROJECT: ABOVE & BELOW

CLIENT: ABOVE & BELOW

ENGINEER: JEFFREY L. SMITH

NO. 1150, STATE OF MISSOURI

ISSUED: 01/15/11

REVISIONS: NONE

DATE: 01/15/11

PROJECT: ABOVE & BELOW

CLIENT: ABOVE & BELOW

ENGINEER: JEFFREY L. SMITH

NO. 1150, STATE OF MISSOURI

ISSUED: 01/15/11

REVISIONS: NONE

DATE: 01/15/11

PROJECT: ABOVE & BELOW

CLIENT: ABOVE & BELOW

ENGINEER: JEFFREY L. SMITH

NO. 1150, STATE OF MISSOURI

ISSUED: 01/15/11

REVISIONS: NONE

DATE: 01/15/11

PROJECT: ABOVE & BELOW

CLIENT: ABOVE & BELOW

ENGINEER: JEFFREY L. SMITH

NO. 1150, STATE OF MISSOURI

ISSUED: 01/15/11

REVISIONS: NONE

DATE: 01/15/11

PROJECT: ABOVE & BELOW

CLIENT: ABOVE & BELOW

ENGINEER: JEFFREY L. SMITH

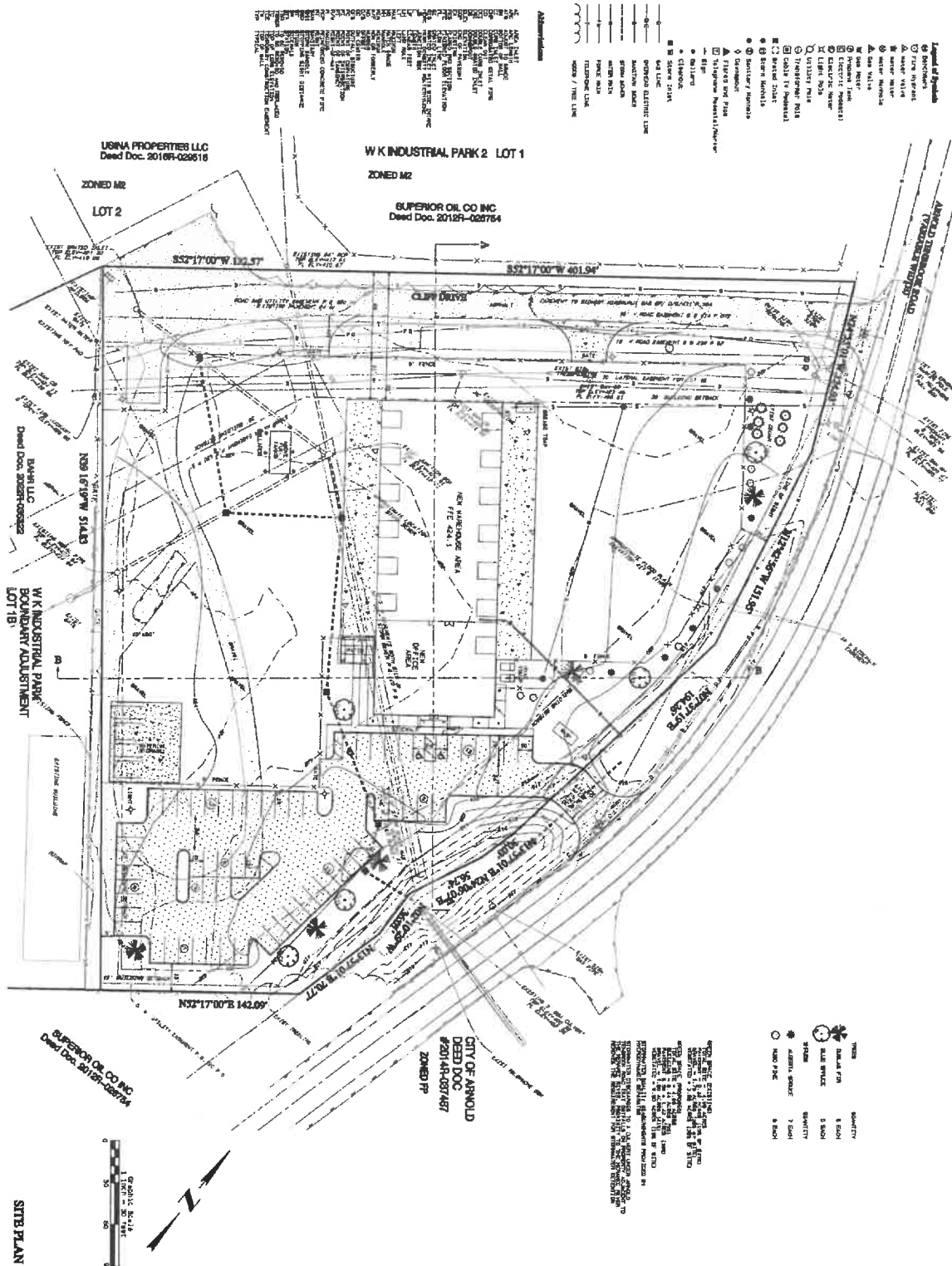
- Index of Sheets**
- Cover Sheet
 - Site Plan

DATE	BY	REVISION
01/15/11	JLS	ISSUED
01/15/11	JLS	REVISION
01/15/11	JLS	REVISION

GOVERO
LAND SERVICES
ENGINEERING & SURVEYING
INCORPORATED
Professional Engineer
Jeffrey L. Smith, No. 1150, State of Missouri
1000 S. Highway 160, Suite 100, Arnold, MO 63010
Phone: 636.241.1111
Fax: 636.241.1112
www.govero.com

Site Improvement Plans
ABOVE & BELOW
CLIFF DR & ARNOLD TENBROOK RD
ARNOLD, MO 63010





97013 H
2 OF 2

NO. 1	NO. 2	NO. 3	NO. 4
C.I.O.	D.L.G.		
3/10/2023			

GOVERO
LAND SERVICES
SURVEYING & ENGINEERING
2000 N. W. 10th St.
Ocala, FL 32101
Phone: 352.237.1111
www.govero.com

Site Improvement Plans
ABOVE & BELOW
CLIFF DR & ARNOLD TENBROOK RD
ARNOLD, MO 63010

THE CLAIM MADE ON THE REGISTERED PROFESSIONAL ENGINEER'S SEAL AND THE RIGHT TO SIGN AND SEAL THIS DOCUMENT IS THE PROPERTY OF THE REGISTERED PROFESSIONAL ENGINEER AND IS NOT TO BE TRANSFERRED TO ANY OTHER PERSON OR ENTITY. THE REGISTERED PROFESSIONAL ENGINEER'S SEAL AND THE RIGHT TO SIGN AND SEAL THIS DOCUMENT IS THE PROPERTY OF THE REGISTERED PROFESSIONAL ENGINEER AND IS NOT TO BE TRANSFERRED TO ANY OTHER PERSON OR ENTITY. THE REGISTERED PROFESSIONAL ENGINEER'S SEAL AND THE RIGHT TO SIGN AND SEAL THIS DOCUMENT IS THE PROPERTY OF THE REGISTERED PROFESSIONAL ENGINEER AND IS NOT TO BE TRANSFERRED TO ANY OTHER PERSON OR ENTITY.



**PLANNING COMMISSION MEETING
COUNCIL CHAMBERS, CITY HALL, 2101 JEFFCO BLVD.
OCTOBER 10, 2023**

MINUTES

REGULAR SESSION

1. **CALL TO ORDER:** The regular meeting of the Arnold Planning Commission was called to order by Acting Chairman Phil Hogan at 7:00 p.m.
2. **ROLL CALL OF COMMISSIONERS:** Andrew Sutton (Excused), Alan Bess, Brian McArthur, Del Williams, Steve Buss (Zoom), Justin Lurk (Excused), Phil Hogan, Tim Seidenstricker (Excused). **STAFF PRESENT:** David Bookless (Community Development Director) (Excused), Robert Sweeney (City Attorney), Christie Hull-Bettale (Engineer/Planner), Sarah Turner (Senior Planner).
3. **PLEDGE OF ALLEGIANCE:** The Commission and Staff stood and spoke the Pledge of Allegiance.
4. **APPROVAL OF MINUTES:** Motion by Williams to approve the minutes from the September 26, 2023 meeting. Second by Bess. *Voice vote:* Approved 5-0.
 - a. Mr. Sweeney informed the Commission of the need to approve the amended agenda. Motion by Williams. Second by Bess. Approved 5-0.
5. **PUBLIC COMMENT:** There was no comment from members of the public present or on Zoom.
6. **PUBLIC HEARINGS:**
 - a. **PC-2023-23 Above and Below Filling Station (Conditional Use Permit):** Mr. Hogan requested a motion to open the public hearing. Motion by Williams. Second by Bess. *Voice vote:* Approved 5-0. Ms. Turner presented the Staff Report, recommending approval of the Tree Preservation Waiver and favorable consideration of the CUP request to City Council. Carol Onest (Govero Land Services), Greg Currington (Above and Below), and Tim Holloway (Above and Below) introduced themselves as representatives of the applicant and seconded Staff's presentation. There were no comments from the public. The Commissioners had no questions. Mr. Hogan requested a motion to close the hearing. Motion by Williams. Second by Bess. *Voice vote:* Approved 5-0.
 - b. **PC-2023-28 Bell-Brown Medical Institute Vocational School (Conditional Use Permit):** Mr. Hogan requested a motion to open the public hearing. Motion by Williams. Second by Bess. *Voice vote:* Approved 5-0. Ms. Hull-Bettale presented the Staff Report, recommending favorable consideration of the request to City Council. Jessica Saylor and Jaqueline Brooks, representatives of Bell-Brown, introduced themselves and seconded Staff's presentation. There were no comments from the public. Williams asked about the nature of the business. The applicants provided clarification. Mr. Hogan requested a motion to close the hearing. Motion by Williams. Second by Bess. *Voice vote:* Approved 5-0.
7. **OTHER BUSINESS:**
 - a. **PC-2023-27 Kona Ice (Site Plan Review):** Mr. Hogan introduced the project. Ms. Hull-Bettale presented the Staff Report, recommending favorable consideration of the request. Mark Doering (Doering Engineering) and Richie Kingree (Kona Ice) introduced themselves and seconded Staff's presentation. Williams asked about the nature of the business. The applicants provided clarification. The Commission had no further questions.
 - b. **Comprehensive Plan Update (Standing Item):** Standing item, not discussed.
8. **ADJOURNMENT OF REGULAR SESSION:** Motion by Williams to close regular session and move into executive session. Second by Bess. *Voice vote:* Approved 5-0. Session adjourned at 7:26 p.m.

EXCECUTIVE SESSION

9. **OLD BUSINESS:** *None*

10. NEW BUSINESS:

- a. **PC-2023-23 Above and Below Filling Station CUP:** Mr. Sweeney clarified for the Commission that the Tree Preservation Waiver approval can be a part of the motion for favorable recommendation of the CUP request. Mr. Hogan requested a motion. Motion by Williams to approve the Tree Preservation Waiver and to approve the request with the conditions as recommended by Staff. Second by Buss. There was no discussion. *Roll call vote:* Alan Bess, yes; Brian McArthur, yes; Del Williams, yes; Steve Buss, yes; Phil Hogan, yes. Approved 5-0.
 - b. **PC-2023-27 Kona Ice Site Plan Review:** Mr. Hogan requested a motion to approve the request. Motion by Williams to approve the request with the conditions as recommended by Staff. Second by Buss. There was no discussion. *Roll call vote:* Alan Bess, yes; Brian McArthur, yes; Del Williams, yes; Steve Buss, yes; Phil Hogan, yes. Approved 5-0.
 - c. **PC-2023-28 Bell-Brown Medical Institute Vocational School CUP:** Mr. Hogan requested a motion to approve the request. Motion by Williams to approve the request with the conditions as recommended by Staff. Second by Buss. Williams asked about rear entrances on the building. Ms. Hull-Bettale provided clarification. There was no further discussion. *Roll call vote:* Alan Bess, yes; Brian McArthur, yes; Del Williams, yes; Steve Buss, yes; Phil Hogan, yes. Approved 5-0.
- 11. DEPARTMENT REPORT:** Ms. Turner announced that the October 24th meeting will have the next presentation of public participation data.
- 12. COUNCIL LIAISON'S REPORT:** No report.
- 13. ANNOUNCEMENTS:** No report.
- 14. ADJOURNMENT:** Motion by Williams to adjourn. Second by Bess. *Voice vote:* Approved 5-0. Meeting adjourned at 7:31 p.m.

Respectfully Submitted,

Sarah Turner
Acting Planning Commission Secretary

Vote record on next page.

VOTE RECORD

	Roll Call	Min.	PH-23 OPEN	PH-23 CLOSE	PH-28 OPEN	PH-28 CLOSE	Close Reg. Open Exec.	VOTE PC-2023-23	VOTE PC-2023-27	VOTE PC-2023-28	Adjourn
Andrew Sutton	E	-	-	-	-	-	-	-	-	-	-
Alan Bess	P	2 nd - Y	2 nd - Y	2 nd - Y	2 nd - Y	2 nd - Y	2 nd - Y	Y	Y	2 nd - Y	2 nd - Y
Brian McArthur	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Del Williams	P	1 st - Y	1 st - Y	1 st - Y	1 st - Y	1 st - Y	1 st - Y	1 st - Y	1 st - Y	1 st - Y	1 st - Y
Steve Buss	P (Z)	Y	Y	Y	Y	Y	Y	2 nd - Y	2 nd - Y	Y	Y
Justin Lurk	E	-	-	-	-	-	-	-	-	-	-
Phil Hogan	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Tim Seidenstricker	E	-	-	-	-	-	-	-	-	-	-

<i>David Bookless</i>	E
<i>Robert Sweeney</i>	P
<i>Christie Hull-Bettale</i>	P
<i>Sarah Turner</i>	P

CALL TO ORDER: 7:00 PM

ADJOURN REGULAR: 7:26 PM

ADJOURN EXECUTIVE: 7:31 PM



CITY COUNCIL AGENDA ITEM STAFF REPORT

MEETING DATE:	October 10, 2023
TITLE:	PC-2023-28 Bell-Brown Medical Institute (Conditional Use Permit)
DEPARTMENT:	Community Development
PROJECT MANAGER:	Christie Hull Bettale, Staff Engineer
REQUESTED ACTION:	No Action, Conditional Use Permit stands approved
ATTACHMENTS:	(1) C.U.P. 2023-28 (2) <i>See Above and Below Filling Station CUP packet for minutes</i>

EXECUTIVE SUMMARY:

On behalf of Bell-Brown Medical Institute a request for approval for a Conditional Use Permit (CUP) for a “Vocational/Technical School” to allow for a career training education school at 149 Arnold Crossroads Center, within the “C-4” Commercial District, as provided in the Arnold Zoning Ordinance.

REVIEW & ANALYSIS:

At its October 10, 2023 meeting, the Planning Commission held a public hearing for the CUP application. Staff found the request consistent with the CUP review criteria contained in the Zoning Ordinance subject to conditions of approval. The Commission had a few clarifying questions for the applicant. In attendance, on behalf of the applicant, were Jessica Taylor and Jaqueline Brooks, representatives from Bell-Brown. There were no public comments on the request.

RECOMMENDATION:

On October 10, 2023, the Planning Commission, by a vote of 5 to 0, voted to recommend approval of the Conditional Use Permit subject to five (5) conditions of approval.

CONDITIONAL USE PERMIT 2023-25

WHEREAS, The City of Arnold has received a request for a Conditional Use Permit (CUP) for a "Vocational/Technical School" at 149 Arnold Crossroads Center, to allow for a tenant approval of Bell-Brown Medical Institute within the "C-4" Commercial District, as provided in the Arnold Zoning Ordinance.; and

WHEREAS, on October 10, 2023, the Planning Commission has held a Public Hearing, reviewed the application for CUP and associated site plan pursuant to the laws of the City of Arnold, and;

WHEREAS, on October 19, 2023, 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 Vocational/Technical School. This Conditional Use Permit shall be identified as C.U.P. 2023-28 and shall be developed in general conformance with City of Arnold Ordinances and with Commission findings with the following five (5) conditions:

1. The Bell-Brown Medical Institute shall be established and operated according to the attached site plan.
2. Exterior Maintenance to site and building shall be made according to Zoning and Property Maintenance Codes including but not limited to:
 - a. ADA parking spaces. The 2 spaces, that are in close proximity to the tenant space have been there for the longevity of the building and site. The existing ADA signs are in disrepair and need replacement.
 - b. Landscape. The original landscape island along the drive aisle, many of the shrubs have died and been removed. Staff recommends that to the extent possible add shrubs and plantings in this area, to be coordinated with staff. Parking and shrub areas are as indicated by red ovals in Exhibit A
*The above items a-b, can be addressed by combination of the property owner and tenants as agreeable and shall be complete upon Building permit and Certificate of Occupancy for the Tenant Space.
3. This Conditional Use Permit may be revoked by the City Council if the terms of the permit have been found to have been violated. The procedure for revocation shall require a hearing before the City Council.
4. Revocation of this Conditional Use Permit shall constitute grounds for the revocation of all other City licenses and/or permits associated with this business establishment.
5. Approval for Conditional Use Permit does not supersede other local, state, or federal requirements.

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

