

City of Arnold, Missouri

**Public Hearing
Council Chamber**

**October 21, 2010
7:00 p.m.**

- A. An Ordinance Amending the Zoning Ordinance, Bill No. 285, Ordinance No. 14.2, Section 8, C. Relating to Minimum Square Footage for a Single Family Residence.
 - B. An Ordinance Approving a Record Plat Titled "A Re-Subdivision of Lot 11 of Arnold Commons Plat Two".
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Council Meeting

Immediately Following the Public Hearing

Amended Agenda

- 1. Pledge of Allegiance
- 2. Opening Prayer: Saint David Catholic Church – Father Jeff Maassen
- 3. Roll Call
- 4. Acceptance of Minutes: **October 7, 2010**
- 5. Acceptance of Warrants: **Payroll Warrant: #1092 – General Warrant: #5533**
- 6. Business from the Floor:
- 7. **Ordinances**
 - A. **Bill No. 2432:** An Ordinance Amending the Zoning Ordinance, Bill No. 285, Ordinance No 14.2, Section 8 C. relating to Minimum Square Footage for a Single Family Residence.
 - B. **Bill No. 2433:** An Ordinance Approving a Record Platt Titled "A Re-Subdivision of Lot 11 of Arnold Commons Plat Two".
 - C. **Bill No. 2434:** An Ordinance Amending Chapter 2 Section 2.39 of the Code of Ordinance.
- 8. Resolutions
 - A. **Resolution 10-28:** A Resolution Adopting the Compensation Policy for Overtime Work.
 - B. **Resolution 10-29:** A Resolution Appointing Armstrong Teasdale LLP as Special Council for Storm Water.
 - C. **Resolution 10-30:** A Resolution Authorizing the Mayor to Execute a Scope of Service Agreement with the Arnold Chamber of Commerce.

D. Resolution 10-31: A Resolution Authorizing the Mayor to Enter into a Contract with Americas Parking Remarketing for the 2010 Annual Street Striping Project.

9. Motions

A. A Motion Awarding to Authorize Staff to Begin Contract Negotiations with RJN Group to Provide Professional Engineering Service for MS4 Compliance for the City of Arnold.

10. New Business

11. Old Business

12. Committee Reports

13. Reports from Mayor and Council

14. Administrative Reports

15. Adjournment

Next Regular Council Meeting November 4, 2010 at 7:00 p.m.
Next Work Session Meeting November 11, 2010 at 7:00 p.m.

REGULAR MEETING

October 21, 2010

COUNCIL CHAMBERS

2101 JEFFCO BLVD

7:27 PM

Mayor Ron Counts called the meeting to order at 7:27 pm.

The Pledge of Allegiance was recited.

Fr. Jeff Maassen, of St. David Catholic Church, offered the opening prayer.

Mayor Counts asked for a moment of silence in honor of two former City of Arnold employees who recently passed away – former Police Chief Jim Curtis and Public Works Director Boyd Mills.

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

ACCEPTANCE OF THE MINUTES:

Jason Connell moved to **accept the minutes of the October 7, 2010 meeting** if there were no deletions, errors or corrections. Ken Moss seconded the motion. Bill Moritz noted that the reference to Hammers and Hope should be Hammers of Hope. This is a scrivener's error and can be corrected without an amendment to minutes.

Roll call vote: Connell, yes; Edwards, yes; Crisler, yes; Moritz, yes; Freese, yes; Lang, yes; Moss, yes; Lindsley, yes; 8 yeas, **motion carried.**

ACCEPTANCE OF THE WARRANTS:

City Clerk Diane Waller read **Payroll warrant #1092**. Paul Freese moved **to pay payroll warrant #1092 in the amount of \$245,466.41** if the monies are available. Seconded by Bob Lindsley. Roll call vote: Connell, yes; Edwards, yes; Crisler, yes; Moritz, yes; Freese, yes; Lang, yes; Moss, yes; Lindsley, yes; 8 yeas, **Motion carried.**

City Clerk Diane Waller read **general warrant #5533**. Jim Edwards **moved to pay general warrant #5533 in the amount of \$ 324,192.28** if the monies are available. Seconded by Cricky Lang. Roll call vote: Connell, yes; Edwards, yes; Crisler, yes; Moritz, yes; Freese, yes; Lang, yes; Moss, yes; Lindsley, yes; 8 yeas, **Motion carried.**

Bill Moritz offered a **motion to amend the agenda to allow Carl Ramey of Stifel Nicolaus to speak now** and so moved. Seconded by Randy Crisler. Roll call vote: Connell, yes; Edwards, yes; Crisler, yes; Moritz, yes; Freese, yes; Lang, yes; Moss, yes; Lindsley, yes; 8 yeas, **Motion carried.**

Mr. Ramey addressed the council, reporting city's rating was upgraded to an A+ and City was able to attain significant savings and commended all involved.

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.

Bernie Wilde, 3533 Swan Circle South, elaborated on Wall Tribute activities, expressing it was most exciting and thanked all involved. She asked all Vets and first responders to stand and be recognized again.

Mayor added the entire 4 days was very emotional and added his personal thanks.

Jere Hartmann, 1099 Arnold Tenbrook, echoed what was said by Ms. Wilde regarding the Tribute. She also complimented Chief Shockey and staff, stating they did a wonderful job and please pass this on. Chief acknowledged he would share this with his staff.

Doris Borgelt, 653 Louisa, expressed her opposition and opinions on the square footage issue and proposed speaker cards. She also thanked the Chief for his efforts involving the wall.

Brian McArthur, 777 Mary, representing the Planning Commission addressed the council regarding the square footage issues.

Jennifer Heien, 1381 Fox Ridge, also representing Home Builders Assoc, reiterated they want to see the minimum square footage at 1080 not 1250.

Kelly Feldmann, Chamber of Commerce, thanked city for the proposed contract on the agenda tonight and also provided an update of their activity (which is required by contract). Also thanked those involved with the wall tribute.

Mr. James Kayser, 2234 Compi, reported problems with his street regarding the paving. He indicated he has tried to contact street supervisor but has not been successful with talking with him. He will discuss with Mr. Baker.

Mr. Paris Haas, 1174 Moonlight, felt there were some inappropriate actions by city staff in their vehicles and wants everyone to play by the rules.

ORDINANCES

BILL NO. 2432 AN ORDINANCE AMENDING THE ZONING ORDINANCE, BILL NO. 285, ORDINANCE NO. 14.2, SECTION 8, C, RELATING TO MINIMUM SQUARE FOOTAGE FOR A SINGLE FAMILY RESIDENCE was discussed.

Randy Crisler offered a **motion to amend and change the square footage from 1250 to 1080** and so moved. Seconded by Paul Freese. More discussion followed.

Roll call vote: Connell, yes; Edwards, no; Crisler, yes; Moritz, no; Freese, yes; Lang, no; Moss, no; Lindsley, no; 3 yeas, 5 nays, **Motion failed.**

BILL NO. 2432 was read twice by City Clerk Diane Waller. Roll call vote: Connell, no; Edwards, yes; Crisler, no; Moritz, yes; Freese, no; Lang, yes; Moss, yes; Lindsley, yes; 5 yeas, 3 nays, **Ordinance passed.**

Mr. Crisler asked Mayor to veto adding, “common sense has left the room”.

Bill No. 2433 AN ORDINANCE APPROVING A RECORD PLAT TITLED ‘A RESUBDIVISION OF LOT 11 OF ARNOLD COMMONS PLAT TWO’ was read twice by City Clerk Diane Waller. Roll call vote: Connell, yes; Edwards, yes; Crisler, yes; Moritz, yes; Freese, yes; Lang, yes; Moss, yes; Lindsley, yes; 8 yeas, **Ordinance passed.**

Bill No. 2434 AN ORDINANCE AMENDING CHAPTER 2, SECTION 2.39 OF THE CODE OF ORDINANCES was discussed. Bob Lindsley made a motion to **amend to add “with the exception of “Business from the floor” which shall always proceed any vote or discussion of any Bill, resolution, or Motions by the City Council”** Seconded by Jason Connell. Roll call vote: Connell, yes; Edwards, no; Crisler, no; Moritz, no; Freese, yes; Lang, no; Moss, yes; Lindsley, yes; 4 yeas, 4 nays, **tie vote.**

Mayor **breaks the tie by voting yes** on the amendment.

Bill Moritz expressed this needs more discussion and wants to see it go to work session. **Bill Moritz makes a motion to table** and he so moves. Seconded by Randy Crisler. Roll call vote: Connell, no; Edwards, yes; Crisler, yes; Moritz, yes; Freese, no; Lang, yes; Moss, no; Lindsley, no; 4 yeas, 4 nays, tie vote.

Mayor **breaks the tie by voting no** to take it to work session. **Motion fails. Amended ordinance will now be voted on.**

Attorney advised there could be implications with this amendment.

Bill No. 2434 as amended, was read twice by City Clerk Diane Waller. Roll call vote: Connell, yes; Edwards, no; Crisler, no; Moritz, no; Freese, no; Lang, no; Moss, no; Lindsley, yes, 2 yeas, 6 nays, Ordinance **failed**.

RESOLUTIONS

Resolution No. 10-28 -A RESOLUTION AUTHORIZING AMENDING THE EMPLOYEE PERSONNEL MANUAL. Bill Moritz offered a motion and so moved. Seconded by Randy Crisler. Roll call vote: Connell, yes; Edwards, yes; Crisler, yes; Moritz, yes; Freese, yes; Lang, yes; Moss, yes; Lindsley, yes; 8 yeas, Resolution **passed**.

Resolution No. 10-29 -A RESOLUTION APPOINTING ARMSTRONG TEASDALE LLC AS SPECIAL COUNSEL FOR STORM WATER was discussed. Jason Connell expressed his opinion that the city would lose this lawsuit and was not in favor of hiring special counsel, especially at the rates quoted. Mr. Crisler explained these are specialist and we need them. Bill Moritz offered a motion and so moved. Seconded by Jim Edwards. Roll call vote: Connell, no; Edwards, yes; Crisler, yes; Moritz, yes; Freese, yes; Lang, yes; Moss, yes; Lindsley, no; 6 yeas, 2 nay, **Resolution passed**.

Resolution No. 10-30– A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SCOPE OF SERVICES AGREEMENT WITH THE ARNOLD CHAMBER OF COMMERCE. Randy Crisler offered a motion and he so moved. Seconded by Bill Moritz. Roll call vote: Connell, yes; Edwards, yes; Crisler, yes; Moritz, yes; Freese, yes; Lang, yes; Moss, yes; Lindsley, yes; 8 yeas. **Resolution passed**.

Councilman Moritz left the chamber at 8:48 pm and returned at 8:51 pm.

Resolution No. 10-31 – A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTACT WITH AMERICAS PARKING REMARKING FOR THE 2010 ANNUAL STREET STRIPING PROJECT. Paul Freese offered a motion and he so moved. Seconded by Bob Lindsley. Roll call vote: Connell, yes; Edwards, yes; Crisler, yes; Moritz (out of the room), Freese, yes; Lang, yes; Moss, yes; Lindsley, yes, 7 yeas, **Resolution passed**.

MOTIONS

PROFESSIONAL ENGINEERING SERVICES FOR MS4 COMPLIANCE
The need was explained and discussed. Mr. Moritz shared some information and read a statement pertaining to this. Paul Freese offered a **motion to authorize staff to begin contract negotiations with RJN Group to provide Professional Engineering Services for MS4 Compliance for the City of Arnold** and he so moved. Seconded by Jason Connell. Roll call vote: Connell, yes; Edwards, yes; Crisler, yes; Moritz, yes; Freese, yes; Lang, yes; Moss, yes; Lindsley, yes; 8 yeas, **motion carried**.

NEW BUSINESS

Bob Lindlsey reported there are 2 sump pumps in his ward that are draining into the street. Current ordinances allow this and also allow swimming pool water to be dumped into city sewer lines. He would like this discussed at a future work session. It was questioned whether the ordinance really allowed this and Paul Freese acknowledged and agreed with these comments.

OLD BUSINESS

Jason Connell had questions regarding a situation with Terry Klamert. Council was polled to allow Mr. Klamert to speak. 8 yeas.

Terry Klamert, 3514 Susan disagreed with what has transpired and conversations exchanged between Mary Holden, Jason Connell, and Mr. Klamert. The meeting was delayed while Mr. Crisler and Ms. Holden searched for answers using his iPad. Ms. Holden then read aloud Sec 27 of the ordinance (from 1998), which verified city actions has complied with our policy.

COMMITTEE REPORTS

Ken Moss stated there would be a Park and Rec Meeting at Pomme Creek on October 27 at 6:30 pm.

Bob Lindsley reported there would be an Economic Development meeting on November 5th at 9 am and Tourism will meet November 3rd at 4 pm. He added the recent concert was good, however, attendance could have been better. The band remarked how nice the new Drury was.

Dan Kroupa reported on Finance Committee meeting and upcoming audit activities.

REPORTS FROM MAYOR & COUNCIL

Mayor Counts –Thanked Ken Moss for the Ambassador Program and feels there are folks out there wanting to volunteer.

Mayor added the Comprehensive Plan for the city could still use a few more ward volunteers.

He reported he had attended the Drury Open House today and it is a great facility. They will be holding a ribbon cutting soon.

The Parade was rescheduled for this Sunday and there is forecast of rain. If there are safety concerns, he didn't feel it will happen and should not be rescheduled again.

Ward 4 – Jason Connell – Shared a personal experience with the tribute wall and thanked those involved.

Ward 4 – Ken Moss – Acknowledged he also attended the tribute wall

Ward 3 – Bob Lindsley – Attended the Tribute Wall, thought it was great for the city and complimented those involved. Announced a Hickory Square Subdivision Meeting scheduled for November 30th.

Ward 3 – Paul Freese - Shared a personal story with the Tribute wall. Asked about the parade and would like a decision early if weather should cause a cancellation. Informed all that the Missouri Furniture Mart in the Camdenton area delivers in our area weekly and since Arnold does not have a furniture store, this is good to know.

Ward 2 – Bill Moritz – Elaborated on the wall tribute and how it covered several walls. Acknowledged Lt. General Frank Grass, originally from Arnold. Recognized the Historical Society for their efforts at the Richardson Cemetery.

Ward 2 – Jim Edwards – Acknowledged the wall tribute was well run

Ward 1 – Cricky Lang – Spoke briefly about the tribute wall and shared experiences with her children and their visiting the wall.

Ward 1 – Randy Crisler – No Report

ADMINISTRATIVE REPORTS

City Administrator Matt Unrein – Reported the wall was a great event.

City Clerk Diane Waller – echoed what had already been expressed regarding the wall.

Treasurer Dan Kroupa – No Report

Chief Shockey - Appreciated the comments expressed tonight and will pass them on.

Parks Director Susie Boone – Excused

Mary Holden – The first planning meeting went well and there was lots of input.

Bryson Baker – Referred to memo distributed regarding the Fall Brush Pickup and discussion followed. Randy Crisler suggested it be done at City Hall as there are cameras there and this would deter activity after hours and also eliminate other dumping. It was decided drop-offs would be accepted on Friday Nov 12 and Saturday, Nov 13 and also Friday Nov. 19th and Saturday November 20th.

Councilman Moss expressed concern about the short notice for the change in pickup to drop off and wanted to make sure every effort is made to notify residents.

Mr. Baker also presented a memo indicating the need for a new vehicle. He was asking for authorization to move forward. A motion was offered by Randy Crisler **to move forward** and he so moved. Seconded by Bill Moritz. Roll call vote: Connell, yes; Edwards, yes; Crisler, yes; Moritz, yes; Freese, yes; Lang, yes; Moss, yes; Lindsley, yes; 8 yeas, **motion carried**.

Deborah Lewis – Indicated a budget amendment would be put together and also announced auditors will be here next week.

Greg Hall – Excused

A motion to close regular meeting was offered by Bill Moritz. Seconded by Jim Edwards. Voice Vote: all yeas.

Meeting ended at 9:34 pm.

Respectfully submitted,

Diane Waller

