

## City of Arnold, Missouri

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Public Hearing  
Council Chambers

September 4, 2008  
7:30 p.m.

- A. Approving the Rezoning and Preliminary/Final Development Plan for a Tract of Land in the City of Arnold, Mo., Identified as the Drury Inn and Suites. See Item 7B.**
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Council Meeting  
Council Chambers

Immediately Following the Public Hearing

### Revised Agenda

1. Pledge of Allegiance
2. Opening Prayer
3. Roll Call
4. Acceptance Of Minutes: **August 14, 2008**
5. Acceptance Of Warrants: **Payroll Warrant #1037 - General Warrant #5482**
6. Business From the Floor
7. Ordinances
  - A. Bill No. 2318:** An Ordinance Amending Chapter 17.5, Section 17.5-28 of the Code of Ordinances.
  - B. Bill No. 2319:** An Ordinance Approving the Rezoning and Preliminary/Final Development Plan the Drury Inn and Suites.
8. Resolutions
  - A. Resolution No. 08-42:** A Resolution Authorizing an Agreement for Street Striping with America's Parking Remarketing, Inc.
9. Motions
  - A.** A Motion to Hold a Closed Session Immediately Following the City Council Meeting for the Purpose of Discussing Litigation Section 610.021 (1).
10. New Business
11. Old Business
12. Committee Reports
13. Reports from Mayor and Council

14. Administrative Reports

**A. Check & Go Conditional Use Permit**

15. Adjournment

**Next Work Session Meeting: Thursday, September 11<sup>th</sup> at 7:00 p.m.**  
**Next Regular Council Meeting: Thursday, September 18<sup>th</sup> at 7:30 p.m.**

September 2, 2008  
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Mayor Mark Powell called the meeting to order at 7:35 pm.

The Pledge of Allegiance was recited.

Opening Prayer was a moment of silence in memory of those who lost their lives in the attacks on September 11, 2001.

Those present per roll call taken by City Clerk Diane Waller: Hay, Ems, Cooley, Amato, Deckman, Moritz, Poor, Crisler, Unrein, Waller, Holden, Lewis, Sweeney, Boone, Shockey, Blue, Freese and Hall.

**ACCEPTANCE OF THE MINUTES:**

Al Ems moved to accept the minutes of the August 14, 2008 meeting if there are no deletions, errors, or corrections. Seconded by Bill Moritz. Roll call vote: Hay, yes; Ems, yes; Cooley, yes; Amato, yes; Deckman, yes; Moritz, yes; Poor, yes; Crisler, yes; 8 yeas, motion carried.

**ACCEPTANCE OF THE WARRANTS:**

City Clerk Diane Waller read payroll warrant #1037. Jerel Poor moved to pay payroll warrant #1037 pay period ending August 22, 2008 in the amount of \$231,789.88 if the monies are available. Seconded by Butch Cooley. Roll call vote: Hay, yes; Ems, yes; Cooley, yes; Amato, yes; Deckman, yes; Moritz, yes; Poor, yes; Crisler, yes; 8 yeas, motion carried.

City Clerk Diane Waller read general warrant #5482. Randy Crisler moved to pay general warrant #5481 in the amount of \$1,713,931.32 if the monies are available. Seconded by Butch Cooley. Roll call vote: Hay, yes; Ems, yes; Cooley, yes; Amato, yes; Deckman, yes; Moritz, yes; Poor, yes; Crisler, yes; 8 yeas motion carried.

Mayor stated that before business from the floor he wanted to introduce those in attendance from Coro Leadership Center. Mr. Spencer Calik thanked all for their assistance in doing their assignment "what makes Arnold tick".

Phil Amato added he had visited with these recent college graduates and was impressed with the thought provoking questions they had asked in their quest to learn as much about Arnold as possible. They will prepare a final presentation to be given on Monday night at 7 pm in Room 304 at Jefferson College.

Each Coro person present then introduced him or herself and stated what college they had recently graduated from. They were recognized with a round of applause.

Joyce Deckman added she was familiar with this program and had worked with others and this is a very impressive group – the best of the best.

### **BUSINESS FROM THE FLOOR**

Mayor explained how our ordinances allow anyone to speak for 3 minutes on any subject provide they identify themselves.

Frank Pointer, representing Home Town Association, shared the group has been very frugal with the \$2000 received from the city as a result of their agreement last March. They would welcome any future monies as they have now taken care of official business (paperwork required to become not- for- profit etc.) and are working towards a master plan to redevelop the North end of Jeffco Blvd.

Robert Leach, local owner of the UPS Store in Water Tower Place, spoke and had to be given council permission to speak longer than the allotted 3 minutes. He gave background on how he was given the opportunity to move into the Dierbergs location as many other UPS have done - or occupying inside Dierbergs. However, due to an agreement with THF and the city, existing businesses in Arnold are prohibited from moving into the new developments so he was not able to do this. He was concerned and expressed opposition to the Check 'n Go now wanting to move in next door to him in Water Tower.

Mayor commented on the relocation agreement and explained the reasoning behind this. He also offered to meet with Mr. Leach and our City Attorney to discuss this situation.

Dick Mersman, of the Stolar Partnership introduced himself as representing the applicant, Check 'n Go. He also introduced a number of others present tonight. Mr. Mersman asked that all oral and written presentations be entered into the record.

Mr. Mersman added that Mr. Leach is the only business that has voiced objection to this business locating in Water Tower Plaza.

City Attorney Bob Sweeney said there is no objection to resubmitting exact testimony should council want the right to review. He also didn't feel council should vote this evening but should exercise their right to review. If they remain silent tonight, the conditional use stands approved.

Brian Waldrop, representing Clean Stream, reported on the success of the most recent cleanup but also concerned about not being able to once again have the use of the park pavilion that day and questioned if there is a glitch in our computer reservation system as this is not the first time this has happened. He added there are two baby albino twin deers that are visible at the park most evenings.

## **ORDINANCES**

**Bill No. 2318** AN ORDINANCE AMENDING CHAPTER 17.5, SECTION 17.5-28 OF THE CODE OF ORDINANCES was discussed. The proposed change would allow night fishing.

Bill Moritz questioned if the city is breaking its own ordinances by allowing many other functions to occupy the park at later times than the ordinance allows.

Attorney Sweeney offered that a special resolution could be a better course of action to address this.

Mayor Powell suggested that the Police Chief or Mayor be able to authorize special hours for special events.

Al Ems questioned why this ordinance only addresses the hours at Flamm City since we have other areas where fishing is allowed, specifically by the Jeffco/Meramec Bridge and Arnold Park. Chief Shockey added there are dangers in allowing that area open late at night.

After a lengthy discussion amongst council members regarding this ordinance, Mr. Sweeney will rework and bring back for future discussion and consideration.

**NOTE: Bill No. 2318 was not read.**

**BILL NO. 2319 AN ORDINANCE APPROVING THE REZONING AND PRELIMINARY/FINAL DEVELOPMENT PLAN FOR THE DRURY INN AND SUITES** was read twice by City Clerk Diane Waller. Roll call vote: Hay, yes; Ems, yes; Cooley, yes; Amato, yes; Deckman, yes; Moritz, yes; Poor, yes; Crisler, yes; 8 yeas, **ordinance passed.**

## RESOLUTIONS

**RESOLUTION NO. 08-42 - A RESOLUTION AUTHORIZING AN AGREEMENT FOR STREET STRIPING WITH AMERICA'S PARKING REMARKING, INC** was discussed. Al Ems then moved to award the contract to America's Parking Remarketing, Inc. in the amount of \$31,287.17. Seconded by Butch Cooley. Roll call vote: Hay, yes; Ems, yes; Cooley, yes; Amato, yes; Deckman, yes; Moritz, yes; Poor, yes; Crisler, yes; 8 yeas, resolution **passed**.

## MOTIONS

A motion to hold a **closed session** immediately following the city council meeting for the purpose of discussing **litigation** Section 610. 021 (1) was offered by Butch Cooley. Seconded by Joyce Deckman. Roll call vote: Hay, yes; Ems, yes; Cooley, yes; Amato, yes; Deckman, yes; Moritz, yes; Poor, yes; Crisler, yes; 8 yeas, motion **carried**.

## NEW BUSINESS

Mat Hay questioned the fees to do fingerprinting. Chief stated that in the past we had large crowds, mostly people from other areas needing this service. The fee was \$40. After doing some research in other areas, he has found the average is now about \$15. Chief feels that establishing these fees is something that could be done administratively.

Matt Hay expressed he would like to see this as a free service to local residents.

Mayor agreed this could be done administratively and advised staff to decide on fees and then advise council and provide the reasoning behind the decision.

## OLD BUSINESS

Phil Amato stated the current utility tax rebate program is not working. The idea behind the program is good but it is now time to make changes in the requirements and processing procedures. Many get a very small refund and must go through a lot of paperwork to do that. The current process is causing too many difficulties for both the applicants and the staff in the front office. He proposed suspending the ordinance at this time and he will be bringing forward a new ordinance whereby refunds will be given during December. This way residents will have the money for the holidays and staff is not overwhelmed by doing this in the already busy month of October.

Diane Waller added many residents are disappointed in the amount of their refund and have been voicing their dissatisfaction in having to provide many, many copies of their personal financial papers in order to determine if they even qualify. City auditors have observed the process and have also indicated this is not a good use of city funds and probably needs to be looked at and changed.

A poll was taken to suspend this ordinance for 60 days. 2 yes votes and 6 no votes.  
More discussion

Randy Crisler voiced his opposition, as he does not want this suspended as people expect the money. He stated he has seen the warrants and feels there are people getting substantial refunds. Other council members echoed this.

Phil Amato state he hopes to be ready with a new proposal for the October work session.

Matt Hay questioned the status of the Park Board ordinances and was informed it will be presented at the work session next week.

He also questioned, with Arnold Days coming up, clarification on the rules for alcohol. He was told this too would be discussed at the work session next week.

## **COMMITTEE REPORTS**

None

## **REPORTS FROM MAYOR AND COUNCIL**

Ward 4 – Butch Cooley – Complimented Bernie Wilde for her help with the recent Clean Stream.

Ward 1 – Matt Hay – No Report

Ward 4 – Al Ems – Shared information about a Memorial Service for 9-11 to be held at 9:30 am that day in the Immaculate Conception Gym. This is open to the public.

Ward 1 – Randy Crisler – No Report

Ward 2 – Jerel Poor - No Report

Ward 3 – Joyce Deckman – No Report

Ward 2 – Bill Moritz – reported he would need to speak with Jeff Blue regarding some sewer backups on Ballast Point.

Ward 3 – Phil Amato – Stated he had attended the Charter meeting again tonight and the final document has been signed. This has been a good experience.

### **ADMINISTRATIVE REPORTS**

Attorney Robert Sweeney – No Report

Matt Unrein – No Report

Diane Waller – No Report

Greg Hall – No Report

Mary Holden – Talked about the Conditional Use Permit for Check ‘n Go. Mayor explained if no action is taken tonight, this would stand approved.

Randy Crisler offered a motion to set for Public Hearing and exercise review procedures and then so moved. Seconded by Bill Moritz. Roll call vote: Hay, no; Ems, yes; Cooley, no; Amato, yes; Deckman, yes; Moritz, yes; Poor, no; Crisler, yes; 5 yeas, 3 nays, motion carried.

Mayor to seek a Public Hearing within 60 days.

Jeff Blue - Will follow-up on the sewer backups Mr. Moritz spoke of and insurance claims will be filed. Mr. Blue also provided a list of proposed brush pickup dates noting dates are later in the year. This will allow staff additional time to address needed street issues while the weather is still good.

Also added there are 2 employees, Ken Ramsey and Helen Stuchenschneider with over 30 years of service with the city and thought this was worthy of recognition.

Deborah Lewis – No report

Susie Boone - Reported she had met with St. Louis County reps discussing merging park trails and stated many dogs participated in the first dog swim at rec center when the pool closed for the season.

Chief Shockey – Announced September 13<sup>th</sup> is the Annual Arnold Days Golf Tournament.



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Regular meeting  
September 4, 2008

Motion to adjourn was offered by Randy Crisler.  
Seconded by Joyce Deckman. Voice vote: all yeas.

Meeting adjourned at 8:39 PM.

Respectfully submitted.

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City Clerk