

City of Arnold, Missouri

**Public Hearing
Council Chambers**

**September 24, 2009
7:30 p.m.**

- A. An Ordinance Amending the Zoning Ordinance, Bill No. 285 and 207, Ordinance No. 14.2 Relating to Definitions of Manufactured, Mobile, and Modular Homes.
- B. An Ordinance Amending the Zoning Ordinance, Bill No. 285, and 2074 Ordinance No. 14.2 Relating to Small Loan Businesses.

**Council Meeting
Council Chambers**

Immediately Following The Public Hearing

Amended Agenda

- 1. Pledge of Allegiance
- 2. Opening Prayer: **Rockport Baptist Church, Scott Lee**
- 3. Roll Call
- 4. Acceptance of Minutes: **September 3, 2009**
- 5. Acceptance of Warrants: **Payroll Warrant #1064- General Warrant #5507**
- 6. Business from the Floor
- 7. Ordinances
 - A. Bill No. 2351:** An Ordinance Amending the Zoning Ordinance, Bill No. 285, And 2074, Ordinance No. 14.2 Relating to Definitions of Manufactured, Mobile, and Modular Homes.
 - B. Bill No. 2352:** An Ordinance Amending the Zoning Ordinance, Bill No. 285 and 2074, Ordinance No. 14.2 Relating to Small Loan Businesses.
 - C. Bill No. 2353:** An Ordinance Authorizing the Seventh Amendment to the Redevelopment Agreement and the Issuance of the TIF Notes.
- 8. Resolutions
 - A. Resolution 09-46:** A Resolution Appointing Richard Kraus to the Commission on Aging and Disabilities for a Three-Year Term.
 - B. Resolution 09-47:** A Resolution Authorizing the Mayor to Modify the Fifth Amended and Restated Redevelopment Agreement between the City and THF.
- 9. Motions
 - A. A Motion to Waive One Month of Trash Fees.

B. A Motion accepting a Deed of Dedication.

C. A Motion to Request to Extend the Sixty (60) day recording requirements for Dury Development.

10. New Business

11. Old Business

12. Committee Reports

13. Reports from Mayor and Council

14. Administrative Reports

A. Conditional Permit for Offsite Sign Premises at 3401 Robinson Road.

B. Conditional Permit for Offsite Sign Premises at 2120 Michigan Avenue.

**Next Regular Council Meeting October 1, 2009 at 7:00 p.m.
Next Work Session Meeting October 8, 2009**

REGULAR MEETING

September 24, 2009

COUNCIL CHAMBERS

2101 JEFFCO BLVD

7:37 PM

Mayor Ron Counts called the meeting to order at 7:37 pm.

The Pledge of Allegiance was recited.

Scott Lee of Rockport Baptist Church offered the opening prayer.

Mayor Ron Counts paid tribute to the late Al Ems giving a very poignant tribute, acknowledging all that Mr. Ems had done for the city and thanked his family. Al Ems was then recognized and honored with a moment of silence.

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

ACCEPTANCE OF THE MINUTES:

Bill Moritz moved to **accept the minutes of the September 3, 2009 meeting** if there are no other deletions, errors, or corrections. Seconded by Jerel Poor. Roll call vote: Hay, yes; Crisler, yes; Poor, yes; Moritz, yes; Deckman (abstain); Lindsley, yes; Connell, yes; 6 yeas, 1 abstention, **motion carried.**

Matt Hay left Council Chamber at 7:44 pm.

ACCEPTANCE OF THE WARRANTS:

City Clerk Diane Waller read **payroll warrant #1064**. Joyce Deckman **moved** to pay payroll warrant #1064 pay period ending September 4, 2009, in the amount of \$242,054.18 if the monies are available. Seconded by Jerel Poor. Roll call vote Hay, (out of the room); Crisler, yes; Poor, yes; Moritz, yes; Lindsley, yes; Deckman, yes; Connell, yes; 6 yeas, **motion carried.**

Matt returns to the Council Chamber at 7:46 pm.

City Clerk Diane Waller read **general warrant #5507**. Bob Lindsley moved to pay **general warrant #5507** the amount of \$972,914.32 if the monies are available. Seconded by Jason Connell. Roll call vote: Hay, yes; Crisler, yes; Poor, yes; Moritz, yes; Deckman, yes; Lindsley, yes; Connell, yes; 7 yeas, **motion carried.**

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. Jim Edwards, 3338 Boca Raton, read a prepared statement (attached) and criticized Councilman Jerel Poor for his actions at the Planning and Zoning Commission Meeting September 8, 2009.

Dennis Bible, Building commander of the VFW Post 2593, distributed documents and brought to council's attention, deficiencies that THF has not corrected since the construction of the new VFW building. He elaborated and went over the 3-minute time limit. Council was polled and Mr. Bible was allowed to continue. He asked for the city to look into these problem areas.

Attorney Sweeney advised there is a meeting scheduled for 1 o'clock on September 30th to address these issues.

Mayor added he is in full support of the VFW and thanked them all for their service to our city and country. We will follow-up to get this resolved.

Bernie Wilde, 3533 Swan Circle South, complimented city staff for assisting with Arnold Days and hopes to see staff at the next Clean Stream in March. Complained about some of the horses during the Parade and hopes next year they will be wearing protection so that the walkers will not have to deal with horse manure.

Norman Moss, 2270 Fawn Drive, shared an emotional story of Al Ems assisting his own father in organizing an athletic association years ago. He also displayed the new board game Arnoldopoly and how adding a billboard would destroy the beautiful scenery.

Brian Waldrop, 3273 Telegraph, thanked those that helped with Clean Stream. Indicated he and Bob Lindsley thought possibly city staff could provide manpower to clear out the debris in the creek behind the Rickman Auditorium. That creek runs under Jeffco Blvd., towards the car wash, and felt this could prevent another flooding incident.

Delores Williamson, 70 Starling Community, questioned the mayor for not responding to her request for particulars regarding holding a tea party demonstration in Arnold.

Attorney Sweeney clarified she has the right to demonstrate peacefully and Chief agreed. She should also obtain permission if she will be on private property.

Mayor asked that agenda be amended as Item 14-A is pulled and a public hearing has been scheduled.

Attorney Sweeney added Item 8B has also been pulled.

Randy Crisler offered a **motion to amend agenda** to reflect these changes. Seconded by Bill Moritz. Roll call vote: Hay, yes; Crisler, yes; Poor, yes; Moritz, yes; Deckman, yes; Lindsley, yes; Connell, yes, 7 yeas, **motion carried**.

ORDINANCES

Bill No. 2351 AN ORDINANCE AMENDING THE ZONING ORDINANCE, BILL NO. 285, AND 2074, ORDINANCE NO. 14.2 RELATING TO DEFINITIONS OF MANUFACTURED, MOBILE AND MODULAR HOMES was read twice by City Clerk Diane Waller. Roll call vote: Hay, yes; Crisler, yes; Poor, yes; Moritz, yes; Deckman, yes; Lindsley, yes; Connell, yes; 7 yeas. **Ordinance passed.**

BILL NO. 2352 AN ORDINANCE AMENDING THE ZONING ORDINANCE, BILL NO. 285, AND 2074, ORDINANCE NO. 14.2 RELATING TO SMALL LOAN BUSINESSES was read twice by City Clerk Diane Waller. Roll call vote: Hay, yes; Crisler, yes; Poor, yes; Moritz, yes; Deckman, yes; Lindsley, yes; Connell, yes; 7 yeas, **Ordinance passed.**

BILL NO. 2353 AN ORDINANCE AUTHORIZING EXECUTION OF A SEVENTH AMENDMENT TO THE REDEVELOPMENT AGREEMENT BETWEEN THE CITY OF ARNOLD, MISSOURI AND ARNOLD CROSSROADS, LLC; AUTHORIZING THE ISSUANCE OF TAX INCREMENT REVENUE NOTES (ARNOLD CROSSROADS PROJECT) SERIES A AND B, OF THE CITY OF ARNOLD, MISSOURI, TO PROVIDE FUNDS TO FINANCE CERTAIN REDEVELOPMENT PROJECT COSTS RELATING TO THE REDEVELOPMENT PLAN FOR THE ARNOLD CROSSROADS REDEVELOPMENT AREA; AND APPROVING CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF THE NOTES was read twice by City Clerk Diane Waller. Roll call vote: Hay, yes; Crisler, yes; Poor, yes; Moritz, yes; Deckman, yes; Lindsley, yes; Connell, yes; 7 yeas, **Ordinance passed.**

RESOLUTIONS

RESOLUTION NO. 09-46 A RESOLUTION APPOINTING RICHARD KRAUS TO THE COMMISSION ON AGING AND DISABILITIES FOR A THREE YEAR TERM was discussed. Bill Moritz moved on Resolution 09-46. Seconded by Jerel Poor. Roll call vote: Hay, yes; Crisler, yes; Poor, yes; Moritz, yes; Deckman, yes; Lindsley, yes; Connell, yes; 7 yeas, Resolution **passed.**

RESOLUTION NO. 09-47 A RESOLUTION AUTHORIZING MODIFICATION TO THE FIFTH AMENDED AND RESTATED REDEVELOPMENT AGREEMENT BETWEEN AND AMONG THE CITY OF ARNOLD, ARNOLD THE TRIANGLE DEVELOPMENT, LLC AND ARNOLD THE TRIANGLE REATLY, INC. was pulled.

MOTIONS

A motion to amend the budget was discussed. This motion will solidify the budget adjustment requested at the last council meeting. Estimated solid waste fees revenue is reduced by \$46,606. This represents the projected revenue change when council waived September fees. Estimated expenditures have not been reduced for this adjustment. Fund balance will be used to balance budget.

A **motion** was offered by Randy Crisler **to amend the 2010 budget by waiving September trash fees and thus incorporating the attached budget adjustment 00-01** and he so moved. Seconded by Bob Lindsley. Roll call vote: Hay, yes; Crisler, yes; Poor, yes; Moritz, yes; Deckman, yes; Lindsley, yes; Connell, yes; 7 yeas, **motion carried**.

Randy Crisler requested staff to prepare documents offering a rebate to mobile home residents in lieu of city providing them free trash last year. Mr. Unrein stated this rebate expenditure was not budgeted this year but would research to see what was paid out to the residents last year and present something at the next meeting.

A motion to accept a deed of dedication was discussed. A **motion** was offered by Bill Moritz **to accept the deed of dedication** and he so moved. Seconded by Jason Connell. Roll call vote: Hay, yes; Crisler, yes; Poor, yes; Moritz, yes; Deckman, yes; Lindsley, yes; Connell, yes; 7 yeas, **motion carried**.

A **motion to extend the sixty (60) day recording requirements for Drury** was discussed. A motion was offered by Matt Hay to allow this and he so moved. Seconded by Jason Connell. Roll call vote: Hay, yes; Crisler, yes; Poor, yes; Moritz, yes; Deckman, yes; Lindsley, yes; Connell, yes; 7 yeas, **motion carried**.

NEW BUSINESS

Matt Hay referred to a prior request he had made regarding the MML's proposed policy. He would like to see our representatives attending the upcoming meetings vote to deny this policy.

Randy Crisler explained how our representatives do not have a vote. Elected MML board members do this so this is not relevant.

OLD BUSINESS

Bob Lindsley requested Mary Holden provide an update on sidewalk costs on Tenbrook for the Foxwood development and she reported this is being worked on.

Bill Moritz announced there is a new church to be built on Richardson Road and expressed his concerns about the increased traffic. He feels that something needs to be done with Richardson Road for safety reasons.

Joyce Deckman left the council chambers at 8:31 pm.

COMMITTEE REPORTS

There were no committee reports this evening.

REPORTS FROM MAYOR AND COUNCIL

Mayor Counts - Stated it has been busy in Arnold as of late. Shared the nice experience with Tony LaRussa coming to the Rec Center and expressed appreciation to Susie Boone for arranging that. Also complimented her for her efforts with Arnold Days.

Ward 2 – Bill Moritz - Reminiscid about how the council chambers came to be named after Al Ems and expressed his appreciation to the Ems family.

Ward 3 – Bob Lindsley – Reported meetings had been held this week with residents on Christy and Harry and they are interested in a possible NID for their streets. Villas at Windcrest want a December meeting. Also shared how he and Mr. Ems had worked together previously years ago, then spoke highly of Al Ems and how the city has moved forward as a result of all that Mr. Ems did for the city of Arnold.

Joyce Deckman returned at 8:34 pm

Ward 1 – Randy Crisler – Expressed his thanks to the Ems family and added Mr. Ems will be missed.

Ward 2 – Jerel Poor – thanked the Ems family for coming tonight

Ward 3 – Joyce Deckman – thanked the Ems family and said it had been a delight to work with Al Ems.

Ward 4 – Jason Connell – Also thanked the Ems family.

Ward 1 – Matt Hay – expressed his condolences to the Ems family and expressed his appreciation to the staff for all they did for Arnold Days.

City Administrator Matt Unrein – Talked about how Mr. Ems had been involved in bringing him to his position here in Arnold and he was thankful to have had this opportunity to spend time with Mr. Ems. He also stated he would have the requested information regarding the possible annexation of Vogel Estates for review at the next meeting.

City Clerk - Diane Waller – Stated it had been an honor and privilege to have worked with Al Ems and expressed her thanks to the family for sharing this wonderful man.

Chief Shockey – He also reminisced on how Mr. Ems had hired him years ago and he was so appreciative and said Mr. Ems will be truly missed.

Chief elaborated on highway safety grants and needed council approval to move forward. A motion was made by Randy Crisler to accept the grants to be used for the radar gun and Breathalyzer as the sole source and so moved. Seconded by Jerel Poor. Roll call vote: Hay, yes; Crisler, yes; Poor, yes; Moritz, yes; Deckman, yes; Lindsley, yes; Connell, yes; 7 yeas, **motion carried.**

He also elaborated on the replacement guns for his officers and needed a motion to allow this agreement with Sig Sauer to buy back guns and/or offer them for sale to the officers. Bill Moritz offered a motion and he so moved. Seconded by Bob Lindsley. Roll call vote: Hay, yes; Crisler, yes; Poor, yes; Moritz, yes; Deckman, yes; Lindsley, yes; Connell, yes; 7 yeas, **motion carried.**

Chief also mentioned he would need a special short meeting prior to the work session on October 8th because of upcoming purchase and sale of police vehicle.

Parks Director Susie Boone – Expressed her condolences to the Ems family, adding she was sorry she did not get to work with him as long as others had. Expressed her appreciation to staff and Arnold Police for their efforts and assistance with Arnold Days.

Community Development Director Mary Holden - Thanked the Ems family and added what a statesman Mr. Ems was. She announced single home building permits are up over last year.

Public Works Director Bryson Baker – Expressed condolences to the Ems family and added he felt deprived for not having been able to get to know Mr. Ems as others had. Announced Parkmark is working on street striping, Ozark bridge construction begins next week, distributed memo for proposed dates for the fall brush program.

Informed all there is a reception tomorrow evening for Helen Stuckenschneider and Ken Ramsey who are both retiring with 30 plus years of service to the city.

Treasurer Paul Freeze – Thanked the Ems family and offered appreciation to Susie Boone and staff for the wonderful Arnold Days.

Attorney Robert Sweeney – Reminiscid about how he first came to Arnold and got to know Mr. Ems. Thanked the Ems family.

Finance Director Deb Lewis – No report but acknowledged the Ems family, expressing her condolences and adding she enjoyed working with him.

Director of Administration Greg Hall – Thanked the Ems family. He announced city was planning on another classical concert next Spring. There will be fundraisers to help with this and also raise much needed money for the Arnold food pantry.

A motion to close was offered by Bob Lindsley. Seconded by Bill Moritz.
Voice Vote: all yeas, motion carried and meeting adjourned at 8:57 pm.

Respectfully submitted,

City Clerk