

City of Arnold, Missouri

Council Meeting
Council Chambers

September 15, 2011
7:00 p.m.

Amended Agenda

1. Pledge of Allegiance:
2. Opening Prayer: **Arnold Tabernacle Baptist - Dennis Moentmann**
3. Roll Call:
4. Acceptance Of Minutes: **September 1, 2011**
5. Acceptance Of Warrants: **Payroll Warrant #1116 - General Warrant #5555**
6. Business From the Floor:
7. Ordinances:
 - A. **Bill No. 2478:** An Ordinance Amending the Sign Code, Section 20.5-11. Signs Permitted in All Zones.
 - B. **Bill No. 2480:** An Ordinance Amending Chapter 2, Article IX, of the Code of Ordinances Relating to Disclosure of Conflicts of Interests and Substantial Interests.
 - C. **Bill No. 2481:** An Ordinance Affirming the Gross Receipts Tax Imposed Upon Electric Corporations Conducting Business Within the City in Lieu of a Business License.
8. Resolutions:
 - A. **Resolution 11-45:** A Resolution Adopting a Fee for A-Frame Signs, Chapter 20.5 Sign.
 - B. **Resolution 11-46:** A Resolution Authorizing the Mayor to Enter into a Contract With Jacobs Engineering Group, Inc. to Perform Consulting Work for the Valuation of the Sewer System.
 - C. **Resolution 11-47:** A Resolution Appointing Cricket Whaley to the Planning Commission to Finish an Unexpired Term.
 - D. **Resolution 11-48:** A Resolution Authorizing the Mayor to Execute a Contract with Crawford, Bunte, and Brammeier to Provide Construction Engineering Service for the Missouri State Route 141 and Astra Way Reconstruction Project for the City of Arnold.
 - E. **Resolution 11-49:** A Resolution Authorizing the Mayor to Execute a Contract with Crawford, Bunte, and Brammeier to Provide Construction Engineering

Services for the Missouri State Road and Astra Way Reconstruction Project for the City of Arnold.

- F. ~~**Resolution 11-50:** A Resolution Approving an Agreement with the Missouri Highways and Transportation Commission Providing for Installation of Automated Enforcement Equipment at Intersection of State Highway 141 and U. S. Route 61-67.~~
- G. ~~**Resolution 11-51:** A Resolution Approving an Agreement with the Missouri Highways and Transportation Commission Providing for Installation of Automated Enforcement Equipment at Intersection of U. S. Route 61-67 at Rockport School.~~
- H. ~~**Resolution 11-52:** A Resolution Approving an Agreement with the Missouri Highways and Transportation Commission Providing for Installation of Automated Enforcement Equipment at Intersection of Richardson Road and Vogel Road.~~
- I. ~~**Resolution 11-53:** A Resolution Approving an Agreement with the Missouri Highways and Transportation Commission Providing for Installation of Automated Enforcement Equipment at Intersection of State Highway 141 and Astra Way.~~
- J. **Resolution 11-54:** A Resolution Authorizing the Mayor to Approve Change Order #2 to the Concrete Street Repair Contract with Dura-Seal Paving Contractor, Inc. to Perform Additional Concrete Street Repairs.

9. Motion:

- A. A Motion to Hold a Closed Session Immediately Following the City Council Meeting for the Purpose of Discussing Litigation and Real Estate Pursuant to Section 610.021 (1), (2) RSMo.

10. New Business:

11. Old Business:

12. Committee Reports:

13. Reports from Mayor and Council:

14. Administrative Reports:

15. Adjournment

Next Regular Council Meeting October 6, 2011 at 7:00 p.m.
Next Work Session Meeting October 13, 2011 at 7:00 p.m.

Mayor Ron Counts called the meeting to order at 7: 02 pm.

The Pledge of Allegiance was recited.

Mr. Dennis Moentmann, from Arnold Tabernacle Baptist, offered the opening prayer.

Those present per roll call taken by City Clerk Diane Waller: Mayor Ron Counts, Lang, Moritz, Amato, Freese, Kownacki, Moss, Borgelt, Unrein, Waller, Holden, Lewis, Sweeney, Boone, Shockey, Baker, Kroupa, and Hall.

ACCEPTANCE OF MINUTES:

Bill Moritz moved **to accept the minutes of the September 1, 2011 meeting** if there were no deletions, errors or corrections. Doris Borgelt then seconded the motion. Roll call vote: Lang, yes; Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; 7 yeas: **Motion carried.**

ACCEPTANCE OF WARRANTS:

City Clerk Diane Waller read **Payroll Warrant #1116**. Doris Borgelt moved **to pay Payroll Warrant #1116 in the amount of \$241,700.48** if the monies are available. Seconded by Cricky Lang. Roll call vote: Lang, yes; Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; 7 yeas: **Motion carried.**

City Clerk Diane Waller read **General Warrant #5555**. Cricky Lang moved **to pay General Warrant #5555 in the amount of \$914,098.22** if the monies are available. Seconded by Bill Moritz. Roll call vote: Lang, yes; Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; 7 yeas: **Motion carried.**

Mayor Counts recognized Scouts present tonight, working on their Communications badges. They were: Parker Krueger and Marc Berra from Troop 419 at Immaculate Conception and Matthew Knibb from Troop 892 at Rockport.

BUSINESS FROM THE FLOOR:

Ms. Bernie Wilde, 3533 Swan Circle South, President of Arnold Historical Society, announced the 2012 calendars are now on sale for \$5.00. She also invited all to hear Jim Fox reminisce and speak about early days in Arnold, to be held at the Library on Monday, October 3rd.

Mr. Randy Crisler, 567 Robin, thanked the Parks staff and all those involved in the very moving ceremony for the 9-11 tribute. He also spoke briefly about the sign ordinance modifications and in his opinion, all it did was address the A-frame signs. It should be passed, but city has failed to really do a sign ordinance.

Mr. Matt Zurawell, 1244 Harry's Lane, expressed his disappointment with the denial of his claim for damages due to sewer backups and something needs to be done. No one is accepting the responsibility for his damages.

ORDINANCES :

BILL NO. 2478 AN ORDINANCE AMENDING THE SIGN CODE, SECTION 20.5-11 SIGNS PERMITTED IN ALL ZONES had already been read twice at a previous meeting by City Clerk Diane Waller.

Bill Moritz encouraged passing this, adding it could be modified and polished later as P & Z has spent a lot of time on this. Paul Freese agreed and felt city should move forward on this. Mayor also commented on the difficulties in putting this sign ordinance together.

Roll call vote: Lang, yes; Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; 7 yeas; **Ordinance passed.**

Councilman Paul Freese left the meeting at 7:20 pm

BILL NO. 2480 AN ORDINANCE AMENDING CHAPTER 2, ARTICLE IX OF THE CODE OF ORDINANCES RELATING TO DISCLOSURE OF CONFLICTS OF INTEREST AND SUBSTANTIAL INTEREST was read twice by City Clerk Diane Waller. Roll call vote: Lang, yes; Moritz, yes; Amato, yes; Freese (out of the room) Kownacki, yes; Moss, yes; Borgelt, yes; 6 yeas; **Ordinance passed.**

BILL NO. 2481 AN ORDINANCE AFFIRMING THE GROSS RECEIPTS TAX IMPOSED UPON ELECTRIC CORPORATIONS CONDUCTING BUSINESS WITHIN THE CITY IN LIEU OF A BUSINESS LICENSE was read twice by City Clerk Diane Waller. Roll call vote: Lang, yes; Moritz, yes; Amato, yes; Freese (abstained while entering the chamber) Kownacki, yes; Moss, yes; Borgelt, yes; 6 yeas; **Ordinance passed.**

Councilman Freese returned to the Chamber during this roll call.

RESOLUTIONS:

RESOLUTION NO. 11-45 A RESOLUTION ADOPTING A FEE FOR A-FRAME SIGNS, CHAPTER 20.5 SIGNS was discussed.

Mary Holden explained the staff recommendation of the \$120 proposed fee and how it was for staff time, processing, review and inspections. Doris Borgelt felt this fee was excessive. Mr. Moss questioned how it was derived.

Both Mary Holden and Matt Unrein explained there were costs involved with inspections and re-inspections, processing and application costs.

Mary Holden continued to explain the time involved and how complaints would need to be followed up on.

Mr. Unrein and Attorney Sweeney acknowledged there is no violation provision and part of staff analysis is speculative, as this has not been done. Therefore, fees could go up or down. The flexibility of this A-frame approach as vendors make modifications that potentially could violate the sign code, are such that the initial permit would allow swapping of signage but complaints would need to be followed up. At this time, this fee is based on staff time involvement.

Mr. Amato questioned attorney if there were a way to break this down into tiers. Attorney responded, in a way, it is already in tiers. The city will respond to complaints. Persons in violation will be cited and could incur a fine, if cited. Those that comply will not have this additional cost and will only pay the original application fee.

Bill Moritz felt there were a lot of “what ifs”. Phil Amato expressed concern about the fee with the economy as it is; we need to be business friendly.

Ken Moss offered suggestions to eliminate actual inspections. However, Ms. Holden addressed this and indicated staff needs to go on site to view actual placement.

More discussion and comments.

Ken Moss offered a **motion to amend the fee from \$120 to \$65 per year** and he so moved. Seconded by Doris Borgelt.

Amato questioned the attorney with concerns about the sign moving and not complying. Attorney advised you have to have some inspections, as signs must be placed so that individuals with disabilities can ambulate or city runs the risk of litigation. We don't have a track record but he assumes the city doesn't anticipate any post permit application inspections for review for 2011-2012 so the \$65 fee doesn't cover follow-up complaints but will cover the initial review and set up.

Roll call vote: Lang, yes; Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; 7 yeas. **Motion carried.**

RESOLUTION NO. 11-45 A RESOLUTION ADOPTING A FEE FOR A-FRAME SIGNS, CHAPTER 20.5 SIGNS AS AMENDED. Phil Amato offered a motion to approve Resolution No. 11-45 as amended and so moved. Seconded by Bill Moritz. Roll call vote: Lang, yes; Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; 7 yeas; **Resolution passed.**

RESOLUTION NO. 11-46 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH JACOBS ENGINEERING GROUP, INC. TO PERFORM CONSULTING WORK FOR THE VALUATION OF THE SEWER SYSTEM. Bill Moritz offered a motion to approve Resolution No. 11-46 and so moved. Seconded by Cricky Lang. Roll call vote: Lang, yes; Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; 7 yeas; **Resolution passed.**

RESOLUTION NO. 11-47 A RESOLUTION APPOINTING CRICKET WHALEY TO THE PLANNING COMMISSION TO FINISH BRYAN WUCHER'S TERM. Bill Moritz offered a motion to approve and so moved. Seconded by Doris Borgelt. Roll call vote: Lang, yes; Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; 7 yeas; **Resolution passed.**

RESOLUTION NO. 11-48 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH CRAWFORD, BUNTE AND BRAMMEIER TO PROVIDE CONSTRUCTION ENGINEERING SERVICES FOR THE MISSOURI STATE ROUTE 141 AND ASTRA WAY RECONSTRUCTION PROJECT. Cricky Lang offered a motion to approve and so moved. Seconded by Paul Freese. Roll call vote: Lang, yes; Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; 7 yeas; **Resolution passed.**

RESOLUTION NO. 11-49 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH CRAWFORD, BUNTE AND BRAMMEIER TO PROVIDE CONSTRUCTION ENGINEERING SERVICES FOR THE MISSOURI STATE ROAD AND ASTRA WAY RECONSTRUCTION PROJECT. Paul Freese offered a motion to approve and so moved. Roll call vote: Lang, yes; Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; 7 yeas, **Resolution passed.**

NOTE: Resolutions 11-50, 11-51, 11-52 and 11-53 were previously removed from agenda.

RESOLUTION NO. 11-54 A RESOLUTION AUTHORIZING THE MAYOR TO APPROVE CHANGE ORDER #2 TO THE CONCRETE STREET REPAIR CONTRACT WITH DURA-SEAL PAVING CONTRACTOR, INC. TO PERFORM ADDITIONAL CONCRETE STREET REPAIRS was discussed.

Doris Borgelt offered a motion to approve Resolution No. 11-54 and so moved. Seconded by Paul Freese. Roll call vote: Lang, yes; Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; 7 yeas, **Resolution passed.**

MOTIONS

Bill Moritz offered a motion to hold a closed session immediately following the city council meeting for the purpose of discussing litigation and real estate pursuant to Section 610.021 (1), (2), RSMo. and he so moved. Seconded by Cricky Lang. Roll call vote: Lang, yes; Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; 7 yeas. **Motion carried.**

NEW BUSINESS:

Ken Moss expressed concern from a resident in Maxville Gardens regarding the failing retaining wall. He feared this is a safety issue and asked the city to get involved.

Mary Holden responded this is a safety issue and city is involved. Developer has been mandated and fined to get it fixed. We must allow them the time to correct this before taking other action.

Mr. Amato expressed there is a resident present tonight that needs to speak to Mr. Baker after the meeting.

Mr. Moritz asked about brush pickup and was reminded there will be none this fall as city is focusing on crack sealing during the time normally spent on a fall brush pickup.

Mr. Unrein reminded all that there should be a spring brush pickup.

OLD BUSINESS

Sandra Kownacki reported a resident was concerned if their tomato and asparagus vegetable plants would be considered a nuisance since they grow taller than 8 inches. It was clarified these are not considered a nuisance. Garden planting is not the subject.

Bill Moritz explained the Rockwood Forest residents want action on the situation with the no parking restrictions by their school bus stop. Mr. Unrein explained how the agenda deadline did not allow this to happen as fast as Mr. Moritz would have liked. Mr. Moritz then requested the Mayor rescind the ordinance. Mr. Unrein explained this would be on the October agenda for action; the Mayor cannot take this action tonight.

Mr. Moritz commented on the appointment approved earlier this evening and how this appointment term had expired and wants city to handle appointments better in the future.

COMMITTEE REPORTS

Sandra Kownacki reported the Aging and Disability Commission met and were working on a strategic plan. Paul Freese reported the next Arnold Days meeting is October 6th.

Phil Amato indicated the Tourism Commission report would come from Greg Hall.

Paul Freese indicated the Parks Commission report would come from Susie Boone.

Dan Kroupa shared his thoughts that the sales tax increase for Jefferson County was largely due to Arnold.

Cricky Lang reported on the 9-11 tribute event and appreciated all that helped, especially the parks department.

REPORTS FROM MAYOR & COUNCIL

Mayor Counts – Stated he is accepting resumes to fill the council seat of Jim Edwards. He would like to have this by the end of September so he can submit his choice to the council for their approval.

He thanked Susie Boone and her staff for the 9-11 tribute, along with the first responders and all that participated. He encouraged everyone to attend the upcoming Arnold Days next weekend.

Mayor read a letter recognizing the efforts of Deb Lewis for excellence in Financial Reporting and acknowledged her efforts, offering his personal thanks and appreciation.

Ward 4 – Ken Moss – No Report

Ward 3 – Phil Amato – Thanked the first responders, Cricky Lang, Susie Boone and all those responsible for the 9-11 event.

Ward 3 – Paul Freese – Also, thanked all those responsible for the 9-11 event.

Ward 2 – Bill Moritz – Advised the speed humps are in place in the Theodore Ridge subdivision. He thanked those involved in the 9-11 Memorial and also acknowledged the MML conference this week was very good.

Ward 1 – Cricky Lang – Also acknowledged the MML was a very informative conference.

Ward 1 – Doris Borgelt – Stated she too had attended the MML conference and was impressed.

ADMINISTRATIVE REPORTS

City Administrator Matt Unrein – Indicated there would be a special meeting with Mid America Solar in the council chambers on September 22 at 11 o'clock. He also thanked everyone who participated and was involved in the 9-11 tribute.

Treasurer Dan Kroupa – Acknowledged the 9-11 ceremony was great and acknowledged Mr. McKenna was a great speaker that day. He also learned a lot at the MML conference – one thing was the clean air and water regulations coming in the future. He expressed concerns if anyone in the state will be able to comply in regards to water treatment.

Diane Waller - Recognized the 9-11 event was wonderful. Indicated she too attended the MML and there was a variety of subjects to choose from. It was good that council members and clerks were afforded this opportunity to select from the many topics presented.

Chief Shockey – Reminded everyone the car show is Saturday and invited all to attend.

Susie Boone – Shared that solar was used in the 9-11 memorial and was pleased with the 9-11 tribute. The eagle, Patriot, was well received and was the highlight for many attendees. She also reported on the upcoming Arnold Days and some of the events planned for that weekend.

Mary Holden – Complimented Susie Boone on the great job and reminded all of the Comprehensive Plan.

Bryson Baker – Reported on the salt dome construction, renovation of the community building and the INI study.

Bob Sweeney – Shared he has attended many 9-11 memorial ceremonies but felt Arnold's was very impressive and complimented those involved.

Deborah Lewis – Complimented Susie Boone for the 9-11 ceremony. Also, stated the financial committee has met and has ideas for potential quarterly reports but welcomed any ideas or suggestions. She acknowledged and appreciated the Mayor's remarks, but wanted all to know this is the result of staff working together and this is the 21st year the city has received this award in recognition of financial reporting.

Greg Hall – Stated he was quite proud of the 9-11 memorial and there were good pictures of the event on Stltoday.com. Also reported the Aging and Disability Commission wanted to thank council publicly for the letter regarding the China Hub sent to Missouri legislatures. Reported the firehouses and Arnold Days will be promoting the Beacon Program and the commission is working on their strategic plan. Also advised tourism will support the classical concert in September 2012.

At 8:31 Mayor stated there would be a 5-minute recess and then council will go into closed session.

After closed session, a motion to close the regular meeting was offered by Paul Freese at 9:49 pm and seconded by Ken Moss.

Voice Vote: all yeas

Meeting adjourned 9:49 pm

City Clerk Diane Waller

CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: REGULAR

DATE: 9/15/2011

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BILL NO - RESOLUTION - MOTION

	ROLL CALL	ACCEPT 9/1/11 MINUTES	ACCEPT PAYROLL WARRANT NO. 1116	ACCEPT GENERAL WARRANT NO. 5555	ACCEPT BILL NO. 2478	ACCEPT BILL NO. 2480
COUNCIL MEMBERS:						
MAYOR <u>RON COUNTS</u>	PRESENT					
COUNCIL: <u>CRICKY LANG</u>	PRESENT	YES	YES	YES	YES	YES
COUNCIL: <u>BILL MORITZ</u>	PRESENT	YES	YES	YES	YES	YES
COUNCIL: <u>PHIL AMATO</u>	PRESENT	YES	YES	YES	YES	YES
COUNCIL: <u>PAUL FREESE</u>	PRESENT	YES	YES	YES	YES	OUT
COUNCIL: <u>SANDRA KOWNACKI</u>	PRESENT	YES	YES	YES	YES	YES
COUNCIL: <u>KEN MOSS</u>	PRESENT	YES	YES	YES	YES	YES
COUNCIL: <u>DORIS BORGELT</u>	PRESENT	YES	YES	YES	YES	YES
ADMINISTRATOR: MATT UNREIN	PRESENT	PARKS DIR:		SUSIE BOONE	PRESENT	
CITY CLERK: DIANE WALLER	PRESENT	POLICE CHIEF:		CHIEF SHOCKEY	PRESENT	
COM DEV DIR: MARY HOLDEN	PRESENT	PUBLIC WORKS:		BRYSON BAKER	PRESENT	
FINANCE DIR: DEBORAH LEWIS	PRESENT	TREASURER:		DAN KROUPA	PRESENT	
CITY COUNSELOR BOB SWEENEY	PRESENT	DIR. OF ADMIN.		GREG HALL	PRESENT	

CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: REGULAR

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BILL NO - RESOLUTION - MOTION

	ACCEPT BILL NO. 2481	AMEND RESOLUTION NO. 11-45	ACCEPT RESOLUTION NO. 11-45 AS AMENDED	ACCEPT RESOLUTION NO. 11-46	ACCEPT RESOLUTION NO. 11-47	ACCEPT RESOLUTION NO. 11-48
COUNCIL MEMBERS:						
MAYOR <u>RON COUNTS</u>						
COUNCIL: <u>CRICKY LANG</u>	YES	YES	YES	YES	YES	YES
COUNCIL: <u>BILL MORITZ</u>	YES	YES	YES	YES	YES	YES
COUNCIL: <u>PHIL AMATO</u>	YES	YES	YES	YES	YES	YES
COUNCIL: <u>PAUL FREESE</u>	OUT	YES	YES	YES	YES	YES
COUNCIL: <u>SANDRA KOWNACKI</u>	YES	YES	YES	YES	YES	YES
COUNCIL: <u>KEN MOSS</u>	YES	YES	YES	YES	YES	YES
COUNCIL: <u>DORIS BORGELT</u>	YES	YES	YES	YES	YES	YES
ADMINISTRATOR: MATT UNREIN		PARKS DIR: SUSIE BOONE				
CITY CLERK: DIANE WALLER		POLICE CHIEF: CHIEF SHOCKEY				
COM DEV DIR: MARY HOLDEN		PUBLIC WORKS: BRYSON BAKER				
FINANCE DIR: DEBORAH LEWIS		TREASURER: DAN KROUPA				
CITY COUNSELOR BOB SWEENEY		DIR. OF ADMIN. GREG HALL				

CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: REGULAR

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BILL NO - RESOLUTION - MOTION

	ACCEPT RESOLUTION NO. 11-49	ACCEPT RESOLUTION NO. 11-54	MOTION TO HOLD CLOSED SESSION			
COUNCIL MEMBERS:						
MAYOR <u>RON COUNTS</u>						
COUNCIL: <u>CRICKY LANG</u>	YES	YES	YES			
COUNCIL: <u>BILL MORITZ</u>	YES	YES	YES			
COUNCIL: <u>PHIL AMATO</u>	YES	YES	YES			
COUNCIL: <u>PAUL FREESE</u>	YES	YES	YES			
COUNCIL: <u>SANDRA KOWNACKI</u>	YES	YES	YES			
COUNCIL: <u>KEN MOSS</u>	YES	YES	YES			
COUNCIL: <u>DORIS BORGELT</u>	YES	YES	YES			
ADMINISTRATOR: MATT UNREIN				PARKS DIR: SUSIE BOONE		
CITY CLERK: DIANE WALLER				POLICE CHIEF: CHIEF SHOCKEY		
COM DEV DIR: MARY HOLDEN				PUBLIC WORKS: BRYSON BAKER		
FINANCE DIR: DEBORAH LEWIS				TREASURER: DAN KROUPA		
CITY COUNSELOR BOB SWEENEY				DIR. OF ADMIN. GREG HALL		