

City of Arnold, Missouri

**Public Hearing
Council Chamber**

**August 5, 2010
7:00 p.m.**

A. 2010-13 Minor Record Plat, 1669 – 1673 West Highview (Two Lots)

Council Meeting

Immediately Following Public Hearing

Agenda

1. Pledge of Allegiance
2. Opening Prayer: Ron Counts
3. Roll Call
4. Acceptance of Minutes: **July 15, 2010**
5. Acceptance of Warrants: **Payroll Warrant: #1086 & #1087– General Warrant: #5528**
6. Business from the Floor:
7. Ordinances
 - A. **Bill No. 2407:** An Ordinance Amending Chapter 5, Article I of the Code of Ordinance Relating to Building Permits.
 - B. **Bill No. 2408:** An Ordinance Approving a Settlement Agreement with T-Mobile.
 - C. **Bill No. 2409:** An Ordinance Authorizing the Mayor to Execute a Formal Acceptance for the Subdivision known as Estates at Tenbrook Manor.
 - D. **Bill No. 2410:** An Ordinance Approving a Record Plat Titled “Boundary Line Adjustment at 1673 West Highview”
 - D. **Bill No. 2411:** An Ordinance Authorizing the Mayor to Sign Supplement Agreement No. 8 with Crawford, Murphy, & Tilly, Inc. for Additional Services on Church Road.
8. Resolutions
 - A. **Resolution # 10-16:** A Resolution Announcing the Participation by the City of Arnold in the State Sales Tax Holiday.
 - B. **Resolution #10-17:** A Resolution Removing the City Attorney.
 - C. **Resolution #10-18:** A Resolution Appointing Dan Kroupa to Serve on the ARC / TDD Board.

9. Motions
 - A. A Motion to Hold a Closed Session Immediately Following the City Council Meeting for Litigation Pursuant to Section 610.021 (1) RSMo.
 - B. A Motion to Allow Staff to Enter into Negotiations with Patty Banks and Associates for comprehensive Planning Services.
10. New Business
11. Old Business
12. Committee Reports
13. Reports from Mayor and Council
14. Administrative Reports
15. Adjournment

Next Regular Council Meeting August 19, 2010 at 7:00 p.m.
Next Work Session Meeting August 12, 2010 at 7:00 p.m.

REGULAR MEETING

August 5, 2010

COUNCIL CHAMBERS

2101 JEFFCO BLVD

7:02 PM

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

The Pledge of Allegiance was recited.

Mayor Ron Counts, offered the opening prayer.

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

ACCEPTANCE OF THE MINUTES:

Jason Connell moved to **accept the minutes of the July 15, 2010 meeting** if there were no deletions, errors or corrections. Bob Lindsley seconded the motion. Roll call vote: Moss, yes; Connell, yes; Freese, yes; Lindsley, yes; Edwards, yes; Moritz, yes, Lang, yes; Crisler, yes; 8 yeas, **Motion carried.**

ACCEPTANCE OF THE WARRANTS:

City Clerk Diane Waller read Payroll warrant #1086. **Paul Freeze moved to pay payroll warrant #1086 in the amount of \$265,820.48** if the monies are available. Seconded by Ken Moss. Roll call vote: Moss, yes; Connell, yes; Freese, yes; Lindsley, yes; Edwards, yes; Moritz, yes; Lang, yes; Crisler, yes; 8 yeas, **Motion carried.**

City Clerk Diane Waller read Payroll warrant #1087. **Jim Edwards moved to pay payroll warrant #1087 in the amount of \$250,459.44** if the monies are available. Seconded by Jason Connell. Roll call vote: Moss, yes; Connell, yes; Freese, yes; Lindsley, yes; Edwards, yes; Moritz, yes; Lang, yes; Crisler, yes; 8 yeas, **Motion carried.**

City Clerk Diane Waller read **general warrant #5528**. **Paul Freese moved to pay general warrant #5528** in the amount of \$618,740.45 if the monies are available. Seconded by Jim Edwards. Roll call vote: Moss, yes; Connell, yes; Freese, yes; Lindsley, yes; Edwards, yes; Moritz, yes; Lang, yes; Crisler, yes, 8 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.

Representatives from the Arnold Commission on Aging and Disabilities, Bill Knittig and Rich Kraus, demonstrated the Emergency Beacon Light Program and explained the program. They were looking for endorsement from the council to proceed. **A motion was offered by Paul Freese for the city to endorse the Beacon Light Program** and he so moved. Seconded by Bob Lindsley. Roll call vote: Moss, yes; Connell, yes; Freese, yes; Lindsley, yes; Edwards, yes; Moritz, yes; Lang, yes; Crisler, yes, 8 yeas, **Motion carried.**

Mr. Ken Church, a resident in the Coach mobile Home Park, questioned why the city is not getting involved in the conditions and taking action.

Mr. Bob Boyer, 2387 Starling Airport, questioned why the city is going to fire the attorney tonight and wanted explanations. Shared info he had on attorney fees etc. and advised council to choose wisely.

Councilman Edwards asked if he could reply to the statements and Mayor permitted him to respond. He clarified the fees charged by the previous attorney and current attorney and explained why they were the way they were.

Ms. Doris Borgelt, 653 Louisa, stated for the record and then read and directed her prepared statement including comments at certain council members. (see attached).

Lloyd Rodgers, 861 Morningside, voiced complaints about a neighboring property at 863 Morningside having ongoing trash and debris issues. Added he feels city needs to look at their policy regarding removing trash and junk from properties.

Jerel Poor, 756 Mary, made comments that removing Attorney Tesreau was wrong. He also remarked about the MSD/storm water fee and asked what the city would do now regarding their fees. He felt city was in violation, since the ruling was made on MSD.

Bill Moritz reported on the recent county election this week and recognized and congratulated Mr. Phil Amato and Ms. Renee Reuter on their victories.

ORDINANCES

Bill No. 2407 AN ORDINANCE AMENDING CHAPTER 5 ARTICLE I OF THE CODE OF ORDINANCES RELATING TO BUILDING PERMITS was read twice by City Clerk Diane Waller. Roll call vote: Moss, yes; Connell, yes; Freese, yes; Lindsley, yes; Edwards, yes; Moritz, yes; Lang, yes; Crisler, yes; 8 yeas, **ordinance passed.**

Bill No. 2408 AN ORDINANCE APPROVING A SETTLEMENT AGREEMENT WITH T-MOBILE was read twice by City Clerk Diane Waller. Roll call vote: Moss, yes; Connell, yes; Freese, yes; Lindsley, yes; Edwards, yes; Moritz, yes; Lang, yes; Crisler, yes; 8 yeas, **Ordinance passed.**

Bill No. 2409 AN ORDINANCE ACCEPTING SUBDIVISION KNOWN AS ESTATES AT TENBROOK MANOR; AUTHORIZING THE MAYOR OF THE CITY OF ARNOLD, MISSOURI, TO EXECUTE A FORMAL ACCEPTANCE THEREOF; AND PROVIDING FOR THE RECORDING OF SAID ACCEPTANCE. A COPY OF SAID FORMAL ACCEPTANCE IS ATTACHED HERETO AND MADE A PART HEROF BY REFERENCE was read twice by City Clerk Diane Waller. Roll call vote: Moss, yes; Connell, yes; Freese, yes; Lindsley, yes; Edwards, yes; Moritz, yes; Lang, yes; Crisler, yes; 8 yeas, **Ordinance passed.**

Bill No. 2410 AN ORDINANCE APPROVING A RECORD PLAT TITLE BOUNDARY LINE ADJUSTMENT, LOTS 1 AND 2, KATHERINE SUBDIVISION NUMBER TWO, LOCATED AT 1673 W. HIGHVIEW was read twice by City Clerk Diane Waller. Roll call vote: Moss, yes; Connell, yes; Freese, yes; Lindsley, yes; Edwards, yes; Moritz, yes; Lang, yes; Crisler, yes, 8 yeas, **Ordinance passed.**

Bill No. 2411 AN ORDINANCE AUTHORIZING THE MAYOR TO SIGN SUPPLEMENTAL AGREEMENT NO. 8 WITH CRAWFORD, MURPHY & TILLY, INC. FOR ADDITIONAL SERVICES ON THE CHURCH ROAD CONSTRUCTION PROJECT was read twice by City Clerk Diane Waller. Roll call vote: Moss, yes; Connell, yes; Freese, yes; Lindsley, yes; Edwards, yes; Moritz, yes; Lang, yes; Crisler, yes; 8 yeas, **Ordinance passed.**

A motion was offered by Bill Moritz and he so moved to change the agenda to move item 9A (A motion to hold a closed session for litigation pursuant to Section 610.021 (1) RSMo.) in front of Resolutions. Seconded by Jim Edwards. Roll call vote: Moss, yes; Connell, no; Freese, yes; Lindsley, no; Edwards, yes; Moritz, yes; Lang, yes; Crisler, yes, 6 yeas, 2 nays, **motion carried.**

A motion was offered by Bill Moritz to immediately hold a closed session for litigation pursuant to Section 610.021 (1) RSMo. and he so moved. Seconded by Jim Edwards. Roll call vote: Moss, yes; Connell, no; Freese, yes; Lindsley, no; Edwards, yes; Moritz, yes; Lang, yes; Crisler, yes; 6 yeas, 2 nays, **motion carried.**

Ken Moss suggested the closed session meeting be moved upstairs so as not to inconvenience the audience since it was terribly hot outside and that way, those in attendance could wait comfortably in the council chamber while the closed session was held in another location.

Council Meeting adjourned to the upstairs conference room for the closed session meeting at 7:42.

Regular council Meeting resumed in the Council Chambers at 8:18.

Mr. Unrein reported no action was taken during the closed session so no votes to report out.

A motion to amend agenda to move Resolution No. 10-17 to old business was offered by Bill Moritz and he so moved. Seconded by Cricky Lang. Roll call vote: Moss, yes; Connell, no, Freese, yes; Lindsley, yes; Edwards, yes; Moritz, yes; Lang, yes; Crisler, yes; 7 yeas, 1 nay, motion carried.

RESOLUTIONS

Resolution No. 10-16 – A RESOLUTION ANNOUNCING THE PARTICIPATION BY THE CITY OF ARNOLD IN THE STATE SALES TAX HOLIDAY was discussed. Paul Freese offered a motion to accept and so moved. Seconded by Randy Crisler. Roll call vote: Moss, yes; Connell, yes; Freese, yes; Lindsley, yes; Edwards, yes; Moritz, yes; Lang, yes; Crisler, yes; 8 yeas, Resolution passed.

Resolution No. 10-18 – A RESOLUTION DESIGNATING A REPRESENTATIVE OF THE CITY OF ARNOLD, MISSOURI TO SERVE ON THE BOARD OF DIRECTORS OF THE ARNOLD RETAIL CORRIDOR TRANSPORTATION DEVELOPMENT DISTRICT was discussed. Paul Freese offered the motion and so moved. Seconded by Randy Crisler. Roll call vote: Moss, yes; Connell, yes; Freese, yes; Lindsley, yes; Edwards, yes; Moritz, yes; Lang, yes; Crisler, yes; 8 yeas, Resolution passed.

MOTIONS

Cricky Lang offered a motion and so moved to **authorize staff to begin contract negotiations with Patti Banks and Associates for the planning consultant for the comprehensive plan update.** Seconded by Jim Edwards. Roll call vote: Moss, yes; Connell, yes; Freese, yes; Lindsley, yes; Edwards, yes; Moritz, yes; Lang, yes; Crisler, yes; 8 yeas, **motion carried.**

NEW BUSINESS

Ken Moss referred to the practice whereby city attorney must sign all ordinances “approved as to form” and whether this can be done before the ordinance is adopted. City Attorney Tesreau stated this signature should take place after ordinance is voted on.

Paul Freese talked about the possibility of the National Democratic Convention coming to St. Louis and would like to see Arnold get involved. This would be a good time to showcase what the city has to offer. He suggested our Mayor reach out to the city of St. Louis in this regards. A letter will be sent to Mayor Slay.

OLD BUSINESS

Resolution No. 10-17 A RESOLUTION REMOVING THE CITY ATTORNEY was read. A motion was offered by Randy Crisler and he so moved. Seconded by Jim Edwards.

Opinions and comments were expressed by Mayor and council members. The Mayor spoke highly of the Wegman Law firm. Bob Lindsley felt this proposed action was inappropriate. Ken Moss questioned the Mayor regarding his previous actions and why he had wanted Sweeney removed. The Mayor responded that he felt it was the right thing to do and hopes the council would do the right thing now. More discussion followed.

Randy Crisler called the question. Roll call vote: Moss, yes; Connell,no; Freese, yes; Lindsley, no; Edwards,yes; Moritz, yes; Lang, yes; Crisler, yes; 6 yeas, 2 nays, **resolution passed.**

Dennis Tesreau thanked the city staff and wished the city the best. He left the meeting at 8:40 pm.

Mayor announced city would need an interim city attorney and recommended Frank Vatterott. He added city would go out for an RFP/RFQ for attorney services. He stressed he will pick the new attorney and would be making a recommendation for the council to approve. Jim Edwards stated **FOR THE RECORD** the interim attorney rate was \$180 per hour and noted Mr. Sweeney’s original bid was much less and still on the table.

A motion was offered by Jason Connell to hire Frank Vatterott as interim attorney and he so moved. Seconded by Bob Lindsley. Roll call vote: Moss, yes; Connell, yes; Freese, yes; Lindsley, yes; Edwards, no; Moritz, yes; Lang, no; Crisler, no; 4 yeas, 3 nays, **motion carried.**

COMMITTEE REPORTS

Bob Lindsley reported that Tourism had met yesterday and there was information discussed regarding the Traveling Wall (American Veteran Traveling Tribute) coming to Arnold in October. He added the Economic Development Committee will meet August 20th.

Mayor elaborated on The Wall coming to the city and what a special event this will be.

REPORTS COUNCIL

Ward 4 – Jason Connell – Thanked the Mayor for his efforts in bringing The Wall to Arnold.

Ward 4 – Ken Moss – No Report

Ward 4 – Jason Connell – No Report

Ward 3 – Bob Lindsley – Provided an update on the guard rail barrier installation on The Highway 55 ramp.

Ward 3 – Paul Freese - No Report

Ward 2 – Bill Moritz – Reported he has seen the wall and glad it is coming to Arnold.

Ward 2 – Jim Edwards – Stated it will be great to see The Wall in Arnold and this will be good to have the school involved.

Ward 1 – Randy Crisler – No Report

Dan Kroupa – No Report

City Administrator Matt Unrein – Complimented Dennis Tesreau for his work while the City Attorney.

City Clerk – Diane Waller - No Report

Chief Shockey - No Report.

Parks Director Susie Boone - No Report

Mary Holden – No Report

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Bryson Baker – No Report

Deborah Lewis – Announced the sewer rate review committee will meet prior to the September 5th Public Hearing on Sewer Rates.

Greg Hall – No report

A motion to close was offered by Jim Edwards and seconded by Paul Freese.
Voice vote, all yeas.

Meeting ended at 8:55 pm

Respectfully submitted,

Diane Waller

