

City of Arnold, Missouri

Council Meeting
Council Chambers

December 17, 2009
7:00 p. m.

Amended Agenda

1. Pledge of Allegiance
2. Opening Prayer: **New Hope Methodist Church - Quenten Madden**
3. Roll Call
4. Acceptance of Minutes: **December 3, 2009**
5. Acceptance of Warrants: **Payroll Warrant #1070 - General Warrant #5513**
6. Business from the Floor:
 - A. **Presentations of MIRMA Grants from Matthew Broderson**
7. Ordinances
 - A. **Bill No. 2361:** An Ordinance Accepting Lands Known as Fenwick Place, Patriot Point, and Savannah Court in Thornbrook Hills Subdivision.
8. Resolutions
 - A. **Resolution 09-62:** A Resolution Authorizing an Agreement with MoDOT to Document the Revised Funding for the Astra Way and Route 141 Signal Upgrade Project STP-5403(614).
 - B. **Resolution 09-63:** A Resolution Appointing Paul Rodenroth to the Board of Adjustments as an Alternate Member for the Remainder of a Three-Year Term.
 - C. **Resolution 09-64:** A Resolution Appointing Raymond C. Frazier, Jr. to the Building Appeals Board for the Remainder of a Three-Year Term.
 - D. **Resolution 09-65:** A Resolution Appointing Ron McCracken to the Building Appeals Board for the Remainder of a Three-Year Term.
 - E. **Resolution No. 09-66:** A Resolution Appointing Homer L. Becker to the Personnel Board of Review for the Remainder of a Three-Year Term.
 - F. **Resolution No. 09-67:** A Resolution Authorizing the Mayor to Enter into Professional Services Agreement with Larkin Aquatics for Professional Services.
 - G. **Resolution No. 09-68:** A Resolution Removing the City Attorney.

H. **Resolution No. 09-69:** A Resolution Appointing _____
as the City Attorney.

9. Motions

- A. A Motion to Approve the Bid on Audio Recording Equipment for Police Department.
- B. A Motion Accepting Donation of Flood Plain Land.
- C. A Motion to approve the Purchase of a 2010 Dump Truck with Swaploader for the Street Department.

10. New Business

11. Old Business

12. Committee Reports

13. Reports from Mayor and Council

14. Administrative Reports

15. Adjournment

Next Regular Council Meeting January 7, 2010 at 7:00 p.m.

Next Work Session Meeting January 14, 2010 at 7:00 p.m.

REGULAR MEETING

December 17, 2009

COUNCIL CHAMBERS

2101 JEFFCO BLVD

7:00 PM

Mayor Ron Counts called the meeting to order at 7:00 pm.

The Pledge of Allegiance was recited.

Mr. Quenten Madden of New Hope Methodist Church offered the opening prayer.

Mr. Moritz spoke about long time Arnold resident who recently died, Mr. Bill Dupree. He shared some information on his activities and accomplishments and asked for a moment of silence to pay tribute to him.

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

ACCEPTANCE OF THE MINUTES:

Jason Connell moved to **accept the minutes of the December 3, 2009 meeting** if there are no other deletions, errors, or corrections. Seconded by Bob Lindsley. Roll call vote: Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; Deckman, yes; Schoenbeck, yes; Poor, yes; Lindsley, yes; 8 yeas, **Motion carried.**

ACCEPTANCE OF THE WARRANTS:

City Clerk Diane Waller read **payroll warrant #1070**. Matt Hay moved to pay **payroll warrant #1070** pay period ending November 27, 2009, in the amount of \$241,270.12 if the monies are available. Seconded by Jerel Poor. Roll call vote: Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; Deckman, yes; Schoenbeck, yes; Poor, yes; Lindsley, yes; 8 yeas. **Motion carried.**

City Clerk Diane Waller read **general warrant #5513**. Joyce Deckman moved to pay **general warrant #5513** in the amount of \$567,356.41 if the monies are available. Seconded by Bob Lindsley. Roll call vote: Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; Deckman, yes; Schoenbeck, yes; Poor, yes; Lindsley, 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.

Matthew Broderson, Loss Control Director for Mirma, (Missouri Intergovernmental Risk Management Association) awarded a certificate to Mayor Counts. This was in recognition of a grant to the city in the amount of \$12,383.43. Mayor complemented staff for their involvement in making this possible.

Norm Moss, 2270 Fawn Drive, referred to the resolution removing the attorney that is on tonight's agenda. He spoke highly of Mr. Sweeney and his past record with the city and felt it was ridiculous to replace him, adding Mr. Sweeney is not political.

Bart Velasco, 2109 Devonshire, stated he was here in support of Mr. Sweeney and reported with his past record, he also did not understand why council would want to replace him.

Frank Pointer, 1009 Southgate, thanked Mr. Hall and those involved with bringing the concert pianist back next year. He also talked about his surprise when he saw the resolution regarding Mr. Sweeney and asked council to consider this action.

Jim Edwards, 3338 Boca Raton, spoke in support of Mr. Sweeney.

Gary Luebbers, 1890 Edgemont, questioned how replacing Mr. Sweeney would save the city money. He added he felt this is wrong and despicable.

Dan Melchior, 1861 Ridgeway, reiterated how the city has progressed with Sweeney's involvement. He advised council to do what is right and retain Mr. Sweeney.

Ms. Terri LaMontagne, former owner of Imperial Motors shared her not-so-pleasant experience with Mr. Sweeney and expressed she felt it was an excellent idea to replace him.

ORDINANCES

BILL NO. 2361 – AN ORDINANCE ACCEPTING LANDS KNOWN AS FENWICK PLACE, PATRIOT POINT AND SAVANNAH COURT IN THORNBROOK HILLS SUBDIVISION FOR PUBLIC USE AS STREETS AND ROADS; 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 HEREOF BY REFERENCE was read twice by City Clerk Diane Waller.

Roll call vote: Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; Deckman, yes; Schoenbeck, yes; Poor, yes; Lindsley, yes, 8 yeas, **Ordinance passed.**

RESOLUTIONS

RESOLUTION NO. 09-62 A RESOLUTION AUTHORIZING AN AGREEMENT WITH MODOT TO DOCUMENT THE REVISED FUNDING FOR THE ASTRA WAY AND ROUTE 141 SIGNAL UPGRADE PROJECT STP-5403 (614). Jerel Poor then so moved. Seconded by Joyce Deckman.. Roll call vote: Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; Deckman, yes; Schoenbeck, yes; Poor, yes; Lindsley, yes; 8 yeas. **Resolution passed.**

RESOLUTION NO. 09-63 A RESOLUTION APPOINTING PAUL RODENROTH TO THE BOARD OF ADJUSTMENTS AS AN ALTERNATE MEMBER FOR THE REMAINDER OF A THREE-YEAR TERM was discussed. Jerel Poor moved on Resolution 09-63. Seconded by Jason Connell. Roll call vote: Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; Deckman, yes; Schoenbeck, yes; Poor, yes; Lindsley, yes; 8 yeas. **Resolution passed**

RESOLUTION NO. 09-64 A RESOLUTION APPOINTING RAYMOND C. FRAZIER, JR. TO THE BUILDING APPEALS BOARD FOR THE REMAINDER OF A THREE-YEAR TERM was discussed. Jerel poor moved on Resolution 09-64. Seconded by Jason Connell. Roll call vote: Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; Deckman, yes; Schoenbeck, yes; Poor, yes; Lindsley, yes; 8 yeas, **Resolution passed.**

RESOLUTION NO. 09-65 A RESOLUTION APPOINTING RON MCCRACKEN TO THE BUILDING APPEALS BOARD FOR THE REMAINDER OF A THREE-YEAR TERM was discussed. Jerel Poor moved on Resolution 09-65. Seconded by Matt Hay. Roll call vote: Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; Deckman, yes; Schoenbeck, yes; Poor, yes; Lindsley, yes; 8 yeas, **Resolution passed.**

RESOLUTION NO 09-66 A RESOLUTION APPOINTING HOMER L. BECKER TO THE PERSONNEL BOARD OF REVIEW FOR THE REMAINDER OF THREE YEAR TERM was discussed. Jerel Poor moved on Resolution 09-66. Seconded by Karl Schoenbeck. Roll call vote: Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; Deckman, yes; Schoenbeck, yes; Poor, yes; Lindsley, yes; 8 yeas, **Resolution passed.**

RESOLUTION NO. 09-67 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO PROFESSIONAL SERVICES AGREEMENT WITH LARKIN AQUATICS FOR PROFESSIONAL SERVICES was discussed.

Parks Board Member Dan Kroupa addressed council briefly and Parks Director Susie Boone advised there would be opportunity for much public input as they intend to have community meetings to get the public's input. Jason Connell moved on Resolution No. 09-67. Seconded by Bob Lindsley. Roll call vote: Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; Deckman, yes; Schoenbeck, yes; Poor, yes; Lindsley, yes, 8 yeas, **Resolution passed.**

RESOLUTION NO. 09-68 A RESOLUTION REMOVING THE CITY ATTORNEY

Discussion followed.

The Mayor explained this action, stating the decision was made for what he felt was best for the city, adding he would nominate the firm of Wegmann, Stewart, Tesreau, Sherman, Eden & Mikale and will need a resolution approved to remove the city attorney

More discussion and comments followed from council. Mr. Crisler expressed his feelings on the matter, not liking the way it is being handled. Mr. Moritz questioned why this was not being discussed in a closed session. Ms. Deckman had concerns, as there is ongoing litigation. They expressed it was nothing personal with Mr. Tesreau, just the alleged reasoning behind the removal of Mr. Sweeney and how it is being handled.

Jerel Poor moved on Resolution No. 09-68. Seconded by Karl Schoenbeck. Roll call vote: Crisler, no; Hay, yes; Moritz, no; Connell, yes; Deckman, no; Schoenbeck, yes; Poor, yes; Lindsley, yes; 5 yeas, 3 nays, **Resolution passed.**

Bob Sweeney left the council chambers at 7:45 pm.

RESOLUTION NO 09-69 A RESOLUTION APPOINTING _____ AS CITY ATTORNEY was discussed. Matt Hay moved on resolution No. 09-69. Seconded by Jerel Poor. Roll call vote: Crisler, no; Hay, yes; Moritz, no; Connell, yes; Deckman, no; Schoenbeck, yes; Poor, yes; Lindsley, yes; 5 yeas, 3 nays. **Resolution passed.**

From the audience, Norman Moss interjected, "**point of order**", this resolution was not done properly. Discussion followed.

It was clarified that Mr. Tesreau of the firm will be representing the city in most cases.

Mr. Poor then offered a motion to amend Resolution No. 09-69 to add the name of the firm - Wegmann, Stewart, Tesreau, Sherman, and Eden & Mikale. Seconded by Matt Hay. Roll call vote: Crisler, no; Hay, yes; Moritz, no; Connell, yes; Deckman, no; Schoenbeck, yes; Poor, yes; Lindsley, yes; 5 yeas, 3 nays, **motion carried.**

RESOLUTION NO. 09-69, as amended to A RESOLUTION APPOINTING WEGMAN, STEWART, TESREAU, AS CITY ATTORNEY was offered by Matt Hay. Seconded by Jerel Poor. Roll call vote: Crisler, no; Hay, yes; Moritz, no; Connell, yes; Deckman, no; Schoenbeck, yes; Poor, yes; Lindsley, yes; 5 yes, 3 nays. **Resolution passed.**

At 7:56 pm City Clerk Diane Waller swore in Dennis Tesreau of the firm Wegmann, Stewart, Tesreau, Sherman, Eden & Mikale as the City Attorney and he took his place to participate in the council meeting.

MOTIONS

A motion to award the bid for audio recording equipment was discussed. Jason Connell offered a motion **to award the bid for audio recording equipment and 3 years of warranty to the lowest bidder Nelson Systems in the amount of \$36,000**, and so moved. Seconded by Bill Moritz. Roll call vote: Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; Deckman yes; Schoenbeck, yes; Poor, yes; Lindsley, yes; 8 yeas. **Motion carried.**

A motion to **authorize the Mayor to accept donation of property (approximately 4.3 acre parcel of land near the Meramec River)** was discussed. Jerel Poor offered a motion and so moved. Seconded by Jason Connell. Roll call vote: Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; Deckman, yes; Schoenbeck, yes; Poor, yes; Lindsley, yes; 8 yeas. **Motion carried.**

A motion to award the bid for the purchase and delivery of a **2010 dump truck with Swaploader from Dave Sinclair Ford, Inc. in the amount of \$103,167.00** was discussed. Jerel Poor offered the motion and so moved. Seconded by Matt Hay. Roll call vote: Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; Deckman, yes; Schoenbeck, yes; Poor, yes; Lindsley, yes; 8 yeas, **Motion carried.**

NEW BUSINESS

Mayor Counts presented his new plan for an Economic Summit for City.

Bill Moritz questioned the ground rules for council members, now that city has a new attorney. Mayor Counts advised council to contact Matt Unrein or himself and they would make the contact with attorney. This will keep attorney's fees down.

OLD BUSINESS

There was no old business brought up.

COMMITTEE REPORTS

Bob Lindsley stated the Park Board will meet January 13, 2010 and Sewer Public Hearing will be held January 7th to review and decide on rates for next year.

Randy Crisler reported on the Finance Committee meeting earlier this evening. They are recommending city use lock box service to assist with municipal services payments going into the bank in an expedient manner. Discussion followed. Council requested more information and suggested possibly waiting till next year to review this. As this needed action tonight, Matt Unrein and Deborah Lewis both left the council chamber at 8:15 to retrieve more info so council could review contract. This needs to be voted and signed tonight in order to begin with lock box service in January.

Matt Hay distributed a report on the progress of the committee looking into the televising of the council meetings. With the limited budget, he stated purchasing the camera at this time is a start and we can always update and expand at a later date. Council was polled to see if they wished to have a demonstration be given to council. 7 yeas, 1 nay.

Joyce Deckman directed attorney to look at the legal ramifications if the meetings are televised.

Once council had lock box documents, discussion ensued. Deborah Lewis explained the process. A motion was offered by Randy Crisler **to authorize the Mayor to sign contract with UMB bank for lock box services** and move forward. Seconded by Bill Moritz. Roll call vote: Crisler, yes; Hay, yes; Moritz, yes; Connell, yes; Deckman, yes; Schoenbeck, yes; Poor, yes; Lindsley, yes, 8 yeas, **motion carried**.

REPORTS FROM MAYOR AND COUNCIL

Ward 4 - Karl Schoenbeck – No report

Ward 1 - Bill Moritz – Reported on the progress of the Ozark Bridge construction.

Ward 3 - Bob Lindsley – informed all that Woodridge Storm water project will be done by end of year. He also reminisced about Bill Dupree, the resident honored earlier in the evening.

Ward 1 - Randy Crisler – No report

Ward 3 – Joyce Deckman – Wished all a Merry Christmas

Ward 2 – Jerel Poor – Wished everyone a Merry Christmas and Safe New Year

Ward 4 – Jason Connell – Wished all a Merry Christmas

Ward 1 – Matt Hay – Stated the change in legal council was not a flip decision.

Mayor Counts – Wished staff and community a Merry Christmas

City Administrator Matt Unrein – Welcomed new attorney, Tesreau and wished everyone a Merry Christmas.

City Clerk Diane Waller – Wished all a Merry Christmas.

Chief Bob Shockey – Wished all a Merry Christmas and welcomed Mr. Tesreau.

Parks Director Susie Boone – Introduced the new intern for the Parks Department, Jake Kemper and briefly explained what he is involved in. She also announced rec center is adding locally known Monica Adams as a trainer beginning the first of the year.

Mary Holden – Wished everyone a Merry Christmas

Public Works Director – Bryson Baker – No Report

Treasurer Paul Freese – Excused

Attorney Dennis Tesreau – No Report

Finance Director Deb Lewis - Wished all Happy Holidays.

Director of Administration Greg Hall –Announced ticket sales for the concert with the pianist and the St. Louis Philharmonic Orchestra began this week. He wished all a Merry Christmas.

A motion to close was offered by Jerel Poor. Seconded by Jason Connell
Voice Vote: all yeas, motion carried and meeting adjourned at 8:34 pm.

Respectfully submitted,

City Clerk

