

City of Arnold, Missouri

**Council Meeting
Council Chambers**

**June 21, 2012
7:00 p.m.**

Agenda

1. Pledge of Allegiance:
2. Opening Prayer: Church of the Nazarene – Rev. Mike Poole
3. Roll Call:
4. Acceptance of Minutes: **June 7th, 2012**
5. Acceptance of Warrants: **Payroll Warrant # 1136 – General Warrant 5573**
6. Business From the Floor:
7. Ordinance:
None
8. Resolutions:
 - A. **Resolution No. 12-37:** A Resolution Appointing Alan H. Luffy to the Building Appeals Board for One-Year Term.
 - B. **Resolution No. 12-38:** A Resolution Appointing Michael W. Dunfee to the Building Appeals Board for a One-Year Term.
 - C. **Resolution No. 12-39:** A Resolution Appointing Betty Hutson to the Commission On Aging and Disabilities for a Three-Year Term.
9. Motions:
10. New Business:
11. Old Business:
12. Committee Reports:
13. Reports from Mayor and Council:
14. Administrative Reports:
15. Adjournment:

Next Regular Council Meeting July 5, 2012 at 7:00 p.m.
Next Work Session Meeting July 12, 2012 at 7:00 p.m.

June 15, 2012
Z:\CITYDOCS\AGENDA\COUNCIL\2012 Agenda\20120621.doc

City of Arnold, Missouri

**Council Meeting
Council Chambers**

**June 21, 2012
7:00 p.m.**

Agenda

1. Pledge of Allegiance:
2. Opening Prayer: Church of the Nazarene – Rev. Mike Poole
3. Roll Call:
4. Acceptance of Minutes: **June 7th, 2012**
5. Acceptance of Warrants: **Payroll Warrant # 1136 – General Warrant 5573**
6. Business From the Floor:
7. Ordinance:
None
8. Resolutions:
 - A. **Resolution No. 12-37:** A Resolution Appointing Alan H. Luffy to the Building Appeals Board for One-Year Term.
 - B. **Resolution No. 12-38:** A Resolution Appointing Michael W. Dunfee to the Building Appeals Board for a One-Year Term.
 - C. **Resolution No. 12-39:** A Resolution Appointing Betty Hutson to the Commission On Aging and Disabilities for a Three-Year Term.
9. Motions:
10. New Business:
11. Old Business:
12. Committee Reports:
13. Reports from Mayor and Council:
14. Administrative Reports:
15. Adjournment:

Next Regular Council Meeting July 5, 2012 at 7:00 p.m.
Next Work Session Meeting July 12, 2012 at 7:00 p.m.

June 15, 2012
Z:\CITYDOCS\AGENDA\COUNCIL\2012 Agenda\20120621.doc

Mayor Pro-Tem Ken Moss called the meeting to order at 7:00 pm.

The Pledge of Allegiance was recited.

Rev. Mike Poole from the Church of the Nazarene, did the opening prayer.

Those present per roll call taken by City Clerk Diane Waller: Mayor Pro-tem Moss, Amato, Freese, Kownacki, Borgelt, Lang, Hohmeier, Moritz, Unrein, Waller, Holden, Lewis, Sweeney, Boone, Major McBroom, Baker, Kroupa and Hall.

ACCEPTANCE OF MINUTES:

Sandra Kownacki made a motion and moved to accept the minutes of the June 7, 2012 meeting if there were no deletions, errors or corrections. Cricky Lang seconded the motion. Roll call vote: Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; Hohmeier, yes; Moritz, yes; 8 yeas: **Motion carried.**

ACCEPTANCE OF WARRANTS:

City Clerk Diane Waller read Payroll Warrant #1136. **Cricky Lang made a motion and moved to pay Payroll Warrant #1136 in the amount of \$266,981.92** if the monies are available. Seconded by Michelle Hohmeier. Roll call vote: Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; Hohmeier, yes; Moritz, yes; 8 yeas, **Motion carried.**

City Clerk Diane Waller read General Warrant #5573. **Cricky Lang made a motion and moved to pay General Warrant #5573 in the amount of \$ 354,509.43.** Seconded by Doris Borgelt. Roll call vote: Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; Hohmeier, yes; Moritz, yes; 8 yeas, **Motion carried.**

BUSINESS FROM THE FLOOR

Mayor Pro-Tem explained the procedure to speak and the need to provide speaker cards.

Ms. Bernie Wilde, 3533 Swan Circle South, thanked the city for giving the Arnold Historical Society a home the past 7 years and shared they are now in their new home on Jeffco. Ms. Wilde distributed a brochure about the museum to the council.

When asked about a grand opening she reported a ribbon cutting will be held July 11, 2012 and a grand opening will be Saturday, August 11th. She extended an invitation to all, as they have many interesting items and treasures regarding Arnold history.

Ms. Ruth Houser, 3148 Arnold Tenbrook Rd, spoke about the area she has lived, where it is both business and residential. She referred to the 2 Men and A Spa situation and those concerns, and indicated the residents already have and will continue to have trucks going in and out. She requested the city clean up the area there by Highway 231 that is very unkept; install an additional street light and possibly a nice Arnold sign.

Mr. Chris Cepicky, 2105 Blossom Lane, a local business owner indicated he would like the opportunity to bid if city goes out for additional crack seal work.

Mr. Todd Bruening, 6311 Ronald Reagan Drive, and owner of Parking Lot Maintenance, the company that did the crack sealing project, announced he is here if anyone has questions. He reported the project was completed in 23 days and offered to renew at the same price if additional work is needed.

ORDINANCES

none

RESOLUTIONS

RESOLUTION NO. 12-37 A RESOLUTION APPOINTING ALAN H. LUFFY TO THE BUILDING APPEALS BOARD FOR A ONE-YEAR TERM was read by City Clerk Diane Waller. Paul Freese offered a motion to approve and so moved. Seconded by Bill Moritz. Roll call vote: Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; Hohmeier, yes; Moritz, yes; 8 yeas, **Resolution passed.**

RESOLUTION NO. 12-38 A RESOLUTION APPOINTING MICHAEL W. DUNFEE TO THE BUILDING APPEALS BOARD FOR A ONE-YEAR TERM was read by City Clerk Diane Waller. Bill Moritz offered a motion to approve and so moved. Seconded by Sandra Kownacki. Roll call vote: Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; Hohmeier, yes; Moritz, yes; 8 yeas, **Resolution passed.**

RESOLUTION NO. 12-39 A RESOLUTION APPOINTING BETTY HUTSON TO THE COMMISSION ON AGING AND DISABILITIES FOR A THREE-YEAR TERM was read by City Clerk Diane Waller. Sandra Kownacki offered a motion to approve and so moved. Seconded by Michelle Hohmeier. Roll call vote: Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; Hohmeier, yes, Moritz, yes; 8 yeas, **Motion carried.**

MOTIONS

None

NEW BUSINESS

Michelle Hohmeier brought up the MML Conference and felt if council members were planning to attend, they should consider “bunking up”, lowering the costs for the city. She shared she has attended conferences where 4 or 5 women shared a room and they made it work for them to save on expenses.

Mr. Moss acknowledged this was an option.

Paul Freese agreed with her and felt we should consider 2 to a room if a spouse is not going to attend.

Mr. Unrein understood and acknowledged her intent to taxpayer’s money. He will try to encourage participants to follow her suggestion.

OLD BUSINESS

Bill Moritz thanked city for taking care of the streetlight in Ward 2. He is also interested in the city moving forward on the Old Lemay Ferry and Richardson Road intersection. He indicated there were talks of traffic engineering studies being done and asked for an update.

Bryson Baker responded the design is 95% completed and he plans for this in the 2013 budget and therefore construction should happen next budget year.

Michelle Hohmeier brought up some action that had taken place at the last meeting regarding the vote to release records referring to Doris Borgelt’s request. She would like to reconsider her vote and asked about options and direction. She indicated she felt this was an open record and had talked with Tom Durkin of the attorney general’s office who had advised her all records are open no matter what. She quoted some statements from the Sunshine Law book. She was concerned the city could be penalized and city needs to be transparent as she felt there was perception here that we could be hiding something.

Mr. Moss questioned what action could or should be taken.

Attorney Sweeney addressed their concerns, stating that we were not trying to keep records from anyone, that we were trying not to release the personal information of the people who come to city hall, that people are entitled to their privacy. He also realizes that the reason behind a sunshine law request is irrelevant and that in the matter of the issue at hand now, it was not originally requested in the form of a sunshine law request. It was simply a request from an official, the same as a lot of requests the city clerk’s office gets from officials wanting information. He does not believe that the public is “clamoring” for the information that shows the names of people coming into city hall; to the contrary, he has heard on numerous occasions that people do not want their information made public.

They want to be able to come to their government and not worry about who knows that they are there or for what purpose they are there for. Attorney Sweeney then said he doesn't believe that the Attorney General's office is saying that they are going to fine us or call us out for not releasing these log sheets. They have simply said they disagree with our position.

He and the city clerk had come to the council for guidance on whether or not to release this information and as of a couple of weeks ago 6 of the council members agreed not to release. Council can vote right now to change its stance on this matter. That is up to them. However, he thinks we should all respect what the sunshine law is meant to be, which is an open and transparent government, not an exercise in abuse and that is what we have experienced in the city over the last several years. Not by this particular situation, but over and over again by people who use the law to their advantage to the detriment of the city, staff and tax payers as they are the ones who are footing the bill for us to provide this information. He does not think this case has ever been litigated to the Attorney General's office and feels it would be a good case to litigate. We, the city, require people to provide their identification in order to have access to their government. The fact that people have to show ID in order to have access to governmental officials at all is what should upset us, not some list that someone wants for prurient reasons.

Ken Moss then asked if the city has received a formal response from the Attorney General's office and Sweeney stated that they disagreed with us and asked for the June 19th's visitor log, which we sent to them, redacted. We have had no response as of this date.

Doris Borgelt said a Sunshine Law request was sent by e-mail on March 2nd. Discussion followed as to whether or not her request was sent in the form of a sunshine law request.

Ken Moss and attorney advised the prevailing side could bring this back up after hearing the response from the Attorney General's office. Sweeney advised city is working together with the Attorney General's Office. He reiterated he and the city want transparency, safety and to protect resident's privacy rights.

Michelle Hohmeier stated City Hall is a public building and as such this should be a public record. She then spoke about everyone working together and civility.

Mr. Moritz questioned the practice of the visitor log and it was reported that it was originally done for insurance per Mr. Unrein but now Mr. Unrein acknowledged he had mis-stated and this was done not only for insurance purposes but also to tighten up security, at the recommendation of both our police department and insurance company.

Doris Borgelt stated the order of events in her request for access to the visitors log.

Mr. Freese expressed he feels a lot of this started to ensure safety and at the advise of our attorney at the last meeting, we should not release.

Phil Amato reiterated the Attorney General's opinion, is just that, an opinion. He also tried to make other comments regarding how this came to be an issue but was interrupted a few times by Ms. Borgelt.

Ken Moss suggested reviewing the day-to-day operations involving this visitor log and addressing security in the City Hall could be discussed at a July work session.

Phil Amato asked Mary Holden if we could have another extension for Foxwood.

Ms. Holden referred to Attorney and he advised it is not on agenda and didn't feel there was a way to do this.

Cricky Lang mentioned yard sales signs that are being left up. She suggested charging a fee and a permit required to have the sales and fine them if they fail to remove the signs.

Mr. Unrein asked if staff could research this topic and come back with some ideas.

COMMITTEE REPORTS

Sandra Kownacki reported there had been a **liquor committee** meeting earlier tonight. She asked Mr. Sweeney to explain a situation involving the VFW on Church Road and Arnold Bowl on Jeffco.

Mr. Sweeney elaborated where the VFW reportedly has had alcohol outside since they were in their new building. However, our records have never indicated this. They were contacted and have now provided the necessary documents. There is no additional fee involved.

Phil Amato offered a **motion to approve the outdoor patio liquor license for the VFW** and he so moved. Seconded by Cricky Lang. Roll call vote: Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; Hohmeier, yes; Moritz, yes; 8 yeas, **Motion carried.**

The same situation has occurred with Arnold Bowl so Sandra Kownacki offered a **motion to approve the outdoor patio liquor license for Arnold Bowl** and so moved. Seconded by Cricky Lang. Roll call vote: Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; Hohmeier, yes; Moritz, yes; 8 yeas, **motion carried.**

Arnold Stove and Fireplace has also requested a tasting license when they have their cooking classes. There will be no alcohol sold, only vendors supplying samples. Sandra Kownacki offered **a motion to approve a tasting license for Arnold Stove and Fireplace. This will be for both indoor and on their outdoor patio area.** Seconded by Phil Amato. Roll call vote: Amato, yes; Freese, yes; Kownacki, yes; Moss (abstain); Borgelt, yes; Lang, yes; Hohmeier, yes; Moritz, yes; 7 yeas, 1 abstention. **motion carried.**

Ms. Waller questioned attorney if a motion should now be made to approve the VFW and Arnold Bowl for renewals as the current licenses do expire June 30. Phil Amato offered **a motion to renew these licenses for 2013.** Seconded by Bill Moritz. They both amended to include Arnold Stove and Fireplace. Roll call vote: Amato, yes; Freese, yes; Kownacki, yes; Moss (abstain); Borgelt, yes; Lang, yes; Hohmeier, yes; Moritz, yes; 7 yeas, 1 abstention, **motion carried.**

Paul Freese, speaking for the **Parks Committee**, announced they would be touring parks in other nearby municipalities in St. Louis County on June 27th to get some new ideas.

Treasurer Dan Kroupa stated there had been a **Finance Committee meeting** and City of Arnold sales tax revenue is up 5.7% from September thru May where Jefferson County is only up 1%. He questioned Deborah Lewis and asked her to provide more stats to the council and she indicated she would at the next council meeting.

REPORTS FROM MAYOR & COUNCIL

Mayor Pro Tem Ken Moss – Requested KeyWest information.

Ward 2 – Bill Moritz – Thanked resident, Ms. Hauser, for speaking earlier tonight. He too would like to see the area she spoke about cleaned up and Parks Board had talked about this earlier this month. Also mentioned fireworks are already being shot off and asked those to follow the law.

Ward 2 – Michelle Hohmeier – No report

Ward 1 - Cricky Lang - Questioned when fireworks can legally be shot off. She was advised, no shooting until the 25th.

Ward 1 - Doris Borgelt– No report

Ward 3 – Paul Freese - Reported he had attended the Concert in the Park Saturday night and it was enjoyable. He challenged Tourism to look at an updated concert for those in the 20-30-40-50-age bracket to perform at the park or Rickman.

Ward 3 – Phil Amato – Reported he too had attended the concert but only briefly. He reported on a telephone pole by Pleasant Valley on the left side that is overgrown with weeds and would like this addressed.

He also agreed with Michelle Hohmeier regarding travel and conference expenses. Mr. Amato stated that when he attends conferences, he pays his own way, paying registration, hotel and meals and does not have the city pay for these expenses. He reimburses the city and encouraged others to do the same. He would like to see the city save money.

ADMINISTRATIVE REPORTS

City Administrator Matt Unrein – Provided handouts with updates on KeyWest as of now. He also distributed documents showing hits on our website and facebook page. He thought this was interesting information and highlighted some of the stats.

City Clerk Diane Waller – Indicated she has a memo identifying all records to be destroyed from Finance, Court, and City Clerk’s office. The memo will be available for review along with all others verifying documents destroyed or shredded which is kept in the vault. Mr. Moss questioned what years were involved and she advised, that varies as we follow the state requirements for records retention.

Major McBroom – No report

Susie Boone – Reported on the watering action that will be taken in the Park prior to the Fireworks display because of the dry conditions. She also shared that staff has been contacted about having amusement rides for the 4th of July celebration and what details they now have.

Mr. Sweeney advised there needs to be a contract. Discussion and questions were asked by council. He advised a motion is not needed, however, contract should be clear, stating city will incur no expenditures. If no objections, staff can move forward with this.

Bill Moritz, Cricky Lang and Phil Amato all expressed parking and traffic concerns. Major McBroom feels city can handle.

Mary Holden –No report

Bryson Baker – No report

8
Regular Meeting
June 21, 2012

Attorney Bob Sweeney – No report.

Deb Lewis – No report

Greg Hall – Reported there was an Aging and Disability meeting and we still need a representative in Ward 2. He thanked Parks and Rec department for their help with getting the floors in the city hall lobby and council chambers stripped and waxed.

A motion was offered by Sandra Kownacki to adjourn the meeting. Seconded by Paul Freese.

Voice Vote: all yeas.

Meeting adjourned at 8:20 pm.

City Clerk Diane Waller

CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: REGULAR

DATE: 6/21/2012

PAGE: 1

BILL NO - RESOLUTION - MOTION

| | ROLL CALL | APPROVE 6/7/12 MINUTES | APPROVE PAYROLL WARRANT NO. 1136 | APPROVE GENERAL WARRANT NO. 5573 | APPROVE RESOLUTION NO. 12-37 | APPROVE RESOLUTION NO. 12-38 |
|--|-----------|-----------------------------------|---|---|------------------------------------|------------------------------------|
| COUNCIL MEMBERS: | | | | | | |
| MAYOR PRO-TEM <u>KEN MOSS</u> | PRESENT | | | | | |
| COUNCIL: <u>PHIL AMATO</u> | PRESENT | YES | YES | YES | YES | YES |
| COUNCIL: <u>PAUL FREESE</u> | PRESENT | YES | YES | YES | YES | YES |
| COUNCIL: <u>SANDRA KOWNACKI</u> | PRESENT | YES | YES | YES | YES | YES |
| COUNCIL: <u>KEN MOSS</u> | | YES | YES | YES | YES | YES |
| COUNCIL: <u>DORIS BORGELT</u> | PRESENT | YES | YES | YES | YES | YES |
| COUNCIL: <u>CRICKY LANG</u> | PRESENT | YES | YES | YES | YES | YES |
| COUNCIL: <u>MICHELLE HOHMEIER</u> | PRESENT | YES | YES | YES | YES | YES |
| COUNCIL: <u>BILL MORITZ</u> | PRESENT | YES | YES | YES | YES | YES |
| ADMINISTRATOR: MATT UNREIN | PRESENT | PARKS DIR: SUSIE BOONE | | | | PRESENT |
| CITY CLERK: DIANE WALLER | PRESENT | POLICE MAJOR: MCBROOM | | | | 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

DATE: 6/21/2012

PAGE: 2

BILL NO - RESOLUTION - MOTION

| | APPROVE RESOLUTION NO. 12-39 | APPROVE VFW OUTSIDE LIQUOR LICENSE | APPROVE ARNOLD BOWL OUTSIDE LIQUOR LICENSE | APPROVE ARNOLD STOVE LIQUOR TASTING PERMIT | APPROVE RENEWAL OF ARNOLD STOVE LIQUOR TASTING PERMIT | |
|--|------------------------------------|--|---|---|---|--|
| COUNCIL MEMBERS: | | | | | | |
| MAYOR | | | | | | |
| PRO-TEM <u>KEN MOSS</u> | | | | | | |
| COUNCIL: <u>PHIL AMATO</u> | YES | YES | YES | YES | YES | |
| COUNCIL: <u>PAUL FREESE</u> | YES | YES | YES | YES | YES | |
| COUNCIL: <u>SANDRA KOWNACKI</u> | YES | YES | YES | YES | YES | |
| COUNCIL: <u>KEN MOSS</u> | YES | YES | YES | ABSTAIN | ABSTAIN | |
| COUNCIL: <u>DORIS BORGELT</u> | YES | YES | YES | YES | YES | |
| COUNCIL: <u>CRICKY LANG</u> | YES | YES | YES | YES | YES | |
| COUNCIL: <u>MICHELLE HOHMEIER</u> | YES | YES | YES | YES | YES | |
| COUNCIL: <u>BILL MORITZ</u> | YES | YES | YES | YES | YES | |
| ADMINISTRATOR: MATT UNREIN | | | | | | |
| CITY CLERK: DIANE WALLER | | | | | | |
| COM DEV DIR: MARY HOLDEN | | | | | | |
| FINANCE DIR: DEBORAH LEWIS | | | | | | |
| CITY COUNSELOR BOB SWEENEY | | | | | | |
| | | PARKS DIR: | | SUSIE BOONE | | |
| | | POLICE MAJOR: | | MCBROOM | | |
| | | PUBLIC WORKS: | | BRYSON BAKER | | |
| | | TREASURER: | | DAN KROUPA | | |
| | | DIR. OF ADMIN. | | GREG HALL | | |