

Mayor Pro-tem, Bill Moritz called the meeting to order at 7:04 pm.

The Pledge of Allegiance was recited.

Since the Pastor that was going to do the opening prayer had cancelled, Mayor Pro-tem spoke about attending a Daughters of the American Revolution meeting and shared if you look at the pledge of Allegiance it states, "one nation under God". It is not one nation, under God and just offered that as something to think about.

Those present per roll call taken by City Clerk Diane Waller: Mayor Pro-tem Bill Moritz, Freese, Kownacki, Moss, Borgelt, Lang (arrived at the end of roll call) Fitter, Moritz, Amato, Unrein, Waller, Holden, Lewis, Sweeney, Boone, Shockey, Baker, Kroupa, and Hall.

ACCEPTANCE OF MINUTES:

Jeff Fitter moved **to accept the minutes of the October 20, 2011 meeting** if there were no deletions, errors or corrections. Ken Moss seconded the motion. Roll call vote: Freese yes; Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; Fitter, yes; Moritz, yes; Amato, yes; 8 yeas: **Motion carried.**

ACCEPTANCE OF WARRANTS:

City Clerk Diane Waller read **Payroll Warrant #1119**. Paul Freese moved **to pay Payroll Warrant #1119 in the amount of \$240,616.19** if the monies are available. Seconded by Jeff Fitter. Roll call vote: Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; Fitter, yes; Moritz, yes; Amato, yes; 8 yeas: **Motion carried.**

City Clerk Diane Waller read **General Warrant #5558**. Paul Freese moved **to pay General Warrant #5558 in the amount of \$584,820.95** if the monies are available. Seconded by Jeff Fitter. Roll call vote: Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; Fitter, yes; Moritz, yes; Amato, yes; 8 yeas: **Motion carried.**

Prior to business from the floor, Mayor Pro-tem Moritz announced Mr. Unrein had a presentation. Mr. Unrien shared city had applied for and received a grant and then introduced Jeff Arp, Loss Control Consultant for the city's insurance company, Mirma. Mr. Arp confirmed the city's police department would get money to cover dash-mounted cameras and spite strips and made a presentation to Chief Shockey.

Chief Shockey then recognized one of his officers Sgt. Darren Rodgers, who had recently been honored in Jefferson City with a very prestigious award – The Medal of Valor. He explained the heroic efforts and details of the incident. He then introduced officer Darren Rodgers, who was given applause and a standing ovation.

BUSINESS FROM THE FLOOR

Ms. Cindy Pharis, 6208 Highway 61-67, Imperial, Project Director from Pride, read a prepared statement endorsing more controls on pseudoephedrine.

Mr. Ken Waller, 202 Santshe Circle, Jefferson County Executive, spoke briefly indicating his support for the proposed pseudoephedrine ordinance and introduced Judge Darrell Missey to speak.

Judge Darrell Missey, 4 Winter River Ct, Fenton Mo, addressed the council and stated he would not tell council what to do in regards to this ordinance but shared his experiences with the kids affected by meth lab cases and how these kids are now under his care, in foster care. He spoke longer than the allowed 3 minutes and council was polled to allow him to speak a bit longer. Council allowed him to continue and he closed with asking council to compare the cost of the inconvenience of having to get a prescription versus the cost to fill this room caring for the foster children.

Ms. Terri Kreitler, 55 Castle Acres, Festus, Jefferson County Council Councilwoman, thanked the Judge for speaking and providing his perspective. She spoke in support of the ordinance and wants council to do the right thing.

Ms. Candace Thom, 80 Hickory Bluff, voiced her feelings on this proposed ordinance and didn't feel this should pass. She feels it will cost everyone in the end, offered other suggestions including putting pressure on the pharmaceutical companies to develop a new product that could not be broken down and used for manufacturing meth. She also indicated there were parking issues at the bus stop at Hickory Manor and these were safety concerns.

Corporal Tim Whitney, 654 Friedberg, Herculaneum, Commander of the Jefferson County Drug Task Force, hopes Arnold passes the ordinance and that will help reduce the meth labs in Jeff County. He shared the most recent numbers indicated a reduction in meth labs for October and he felt this could be attributed to the ordinances passed by other Jefferson County cities. He also shared that federal funding has been cut and in 2012 there will be less investigators and appreciated any help in restricting the availability of the drug.

Ms. Janet Sinks, 4371 Iron Mountain, identified herself as a Take Care Health care worker and acknowledged she sees both sides of this but didn't feel this was the right way to do it and encouraged council to not pass the pseudoephedrine ordinance.

Mr. Lloyd Rodgers, 861 Morningside, acknowledged he does on occasion have the need for drugs containing pseudoephedrine and posed a question as to what would happen if your doctor refused to write a prescription for the drug?

Mr. Randy Crisler, 567 Robin, spoke against the pseudoephedrine ordinance adding regulating criminal behavior is not the answer. He shared how members of his family need this drug and the increased cost that would be involved with doctor visits to get prescriptions.

Sgt. Jason Grellner, of the Missouri Narcotics Officers Association, provided an update on Wal-Mart and Walgreen's activities regarding producing and selling products with pseudoephedrine. Mayor Pro-tem advised he went over the allowed 3 minutes to speak and asked council if they wanted him to continue.

Doris Borgelt, commented council has already heard all of this and Mayor Pro-tem Bill Moritz asked Sgt. Grellner to wrap it up. He closed with we are talking about the sniffles vs. meth labs and he felt we can get rid of meth labs by regulating the sale of pseudoephedrine.

ORDINANCES:

BILL NO. 2488 AN ORDINANCE PROVIDING FOR AN ADJUSTMENT TO THE FISCAL YEAR 2012 GENERAL FUND BUDGET ALLOCATING FUNDS FOR PLAT WORK was read twice by City Clerk Diane Waller. Roll call vote: Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; Fitter, yes; Moritz, yes; Amato, yes; 8 yeas; **Ordinance passed.**

BILL NO. 2489 AN ORDINANCE AMENDING CHAPTER 17 ARTICLE XI OF THE CODE OF ORDINANCES PERTAINING TO THE SALE OF EPHEDRINE PRODUCTS was read once by City Clerk Diane Waller and discussion followed.

Council member, Doris Borgelt, stated she had received e-mails, phone calls and facebook messages opposing this ordinance.

Mr. Amato posed a legal question to city attorney. He questioned if there was a tie vote on this tonight, what would happen. Attorney explained Mr. Moritz could be voting twice and explained, he would be voting to represent his constituents in his ward and if there were a tie, he would then vote as Mayor Pro-tem to break the tie since our ordinances require the Mayor to break the tie. If someone left, there would not be a tie as it takes 5 votes to pass an ordinance.

Ms. Kownacki didn't feel the city should regulate drugs, as the FDA should have this responsibility. She added passing this was only a band-aid on the real problem.

Doris Borgelt disagreed with attorney's explanation and stated according to Robert's Rules of Orders the chairman cannot vote twice.

Attorney explained the exception to this is city ordinance authorizes the Mayor to vote to break a tie. We submit to Robert's Rules except in such cases where we specifically overrule Roberts Rules of Order. There is case law that a Mayor pro-tem is absolutely allowed to vote as the Mayor.

Ms. Borgelt voiced an exception to his interpretation.

Ken Moss added he had talked with pharmacists and they support this ordinance.

Mr. Amato questioned the chair if he would vote to break a tie?

Mayor Pro tem Moritz stated if it comes to that, he would vote to break the tie.

City Clerk Diane Waller read Bill No. 1489 for the second time

Mr. Amato expressed **for the record** the city has been a leader in the fight against meth. We were the first to require ephedrine products behind the counter and also the first to show ID so the pharmacist could write down identification to prevent someone from going store to store and purchasing more. He feels this ordinance does not accomplish anything as folks could get into their car and go elsewhere to purchase it. This ordinance does nothing other than drive others to go elsewhere and buy it.

Paul Freese shared an article in the Post earlier this week adding this legislation needs to come from the state, not the local government, as folks that want to buy it will just go elsewhere to get it.

Jeff Fitter shared his personal feelings on the need for this ordinance and hoped passing this would force St. Louis County to do something. He admitted it is not going to alleviate the problem but was a step forward and felt this was an incentive for others to take action.

Cricky Lang agreed with Mr. Fitter that city needs to take this step and possibly this action would force St. Louis County to do something too.

Phil Amato again questioned the confusing voting action during the last meeting where the ordinance had an effective date when St. Louis County and Fenton passed a similar ordinance.

Bill Moritz explained his action at that meeting and stated that ordinance didn't come back so this other one is being brought up tonight. He also shared his experience today when he purchased something with ephedrine and after talking with the pharmacist and making his purchase, it appears there are flaws in the current process to regulate this. If this ordinance passes, he offered again to go to St. Louis County to encourage them to do something similar.

Cricky Lang reiterated she didn't feel we should wait for St. Louis County to take action; we need to do something now.

Roll call vote: Freese, no; Kownacki, no; Moss, yes; Borgelt, no; Lang, yes; Fitter, yes; Moritz, yes; Amato, as his name was called proceeded to walk out of the room stating, "I'm not going to let him vote twice". Chief was directed to get Mr. Amato back to the Council chamber so Mr. Amato would vote. Mr. Amato then voted, no. 4 yeas; 4 nays;

Mayor Pro- tem broke the tie with a yes vote. 5 yeas, 4 nays. Ordinance passed.

Mr. Moritz stated this can still be changed at a future date.

Questions were asked and attorney clarified that someone from the prevailing side could bring this back up at the next meeting.

Ms. Borgelt indicated again she did not agree and attorney attempted to clarify the procedures in our ordinances that allow the Mayor Pro- tem to vote twice, even though Robert's Rules of Orders do not.

RESOLUTIONS

Mr. Unrein explained there were a number of appointments needed and we would be doing these during the next few meetings. Mr. Moss questioned if those tonight were all re-appointments and was advised they were.

RESOLUTION NO. 11-58 A RESOLUTION RE-APPOINTING HOMER L. BECKER TO THE PERSONNEL BOARD OF REVIEW TO A THREE-YEAR TERM was read by City Clerk Diane Waller. Jeff Fitter offered a motion to approve and so moved. Seconded by Cricky Lang. Roll call vote: Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; Fitter, yes; Moritz, yes; Amato, yes; 8 yeas. **Motion carried.**

Treasurer Dan Kroupa left the council chamber at 8:02 pm.

RESOLUTION NO. 11-59 A RESOLUTION RE-APPOINTING CAROL SCHWALBERT TO THE PERSONNEL BOARD OF REVIEW FOR A THREE-YEAR TERM was read by City Clerk Diane Waller. Cricky Lang offered a motion to approve and so moved. Seconded by Doris Borgelt. Roll call vote: Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; Fitter, yes; Moritz, yes; Amato, yes; 8 yeas, **Motion carried.**

RESOLUTION NO. 11-60 A RESOLUTION RE-APPOINTING TOM WHITEHEAD TO THE PERSONNEL BOARD OF REVIEW FOR A THREE-YEAR TERM was read by City Clerk Diane Waller. Phil Amato offered a motion to approve and so moved. Seconded by Paul Freese. Roll call vote: Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; Fitter, yes; Moritz, yes; Amato, yes, 8 yeas. **Motion carried.**

RESOLUTION NO. 11-61 A RESOLUTION RE-APPOINTING MARK TOLCOU TO THE ARNOLD MISSOURI PUBLIC FACILITY CORPORATION was read by City Clerk Diane Waller. Jeff Fitter offered a motion to approve and so moved. Seconded by Cricky Lang, Roll call vote: Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; Fitter, yes; Moritz, yes; Amato, yes, 8 yeas, **Motion carried.**

NEW BUSINESS:

RESOLUTION NO. 11-62 A RESOLUTION RE-APPOINTING VERN SULLIVAN TO THE ARNOLD MISSOURI PUBLIC FACILITY CORPORATION was read by City Clerk Diane Waller. Phil Amato offered a motion to approve and so moved. Seconded by Sandra Kownacki. Roll call vote: Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; Fitter, yes; Moritz, yes; Amato, yes; 8 yeas, **Motion carried.**

RESOLUTION NO. 11-63 A RESOLUTION RE-APPOINTING DEL WILLIAMS TO THE ARNOLD MISSOURI PUBLIC FACILITY CORPORATION was read by City Clerk Diane Waller.

Treasurer Dan Kroupa returned at 8:06 pm.

Paul Freese offered a motion to approve and so moved. Seconded by Phil Amato. Roll call vote: Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; Fitter, yes; Moritz, yes; Amato, yes; 8 yeas, **Motion carried.**

Public Works Director Bryson Baker briefly explained how the next resolution is basically a change order.

Councilman Amato questioned how the bidding process worked with engineering services. Mr. Baker explained in detail, shared the legalities involved and how we send out Request for Qualifications, review and negotiate with top pick.

RESOLUTION NO. 11-64 A RESOLUTION AUTHORIZING THE MAYOR TO APPROVE SUPPLEMENTAL AGREEMENT #9 TO THE CHURCH ROAD CONTRACT WITH CRAWFORD, MURPHY AND TILLY, INC. was read by City Clerk Diane Waller. Sandra Kownacki offered a motion to approve and so moved. Seconded by Doris Borgelt. Roll call vote: Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; Fitter, yes; Moritz, yes; Amato, yes; 8 yeas, **Motion carried.**

MOTIONS

None

NEW BUSINESS

Cricky Lang asked that we discuss, sometime in the future, trick-or-treating guidelines, possibly designating the Saturday before as the official time for trick-or-treating. Mr. Unrein offered to research and bring back results of what other cities in the area are doing.

Jeff Fitter brought up a situation where a councilperson had sent an email to one of our speakers (in law enforcement) and he found it embarrassing and appalling. He felt if someone took the time to come and speak, they deserved respect. He read part of the email and felt the sender could at least apologize as the speaker was in attendance. At this point, Doris Borgelt interjected, stating she had no intention of apologizing. Mayor Pro-tem spoke directly to Ms. Borgelt saying civility, above all, is important.

Paul Freese announced there would be a drug take back program starting Monday. He provided some of the particulars and indicated the drop off will be in the Police lobby.

Ken Moss reported he had received an email asking about our social posting and underage drinking ordinances and Chief reported there is state law and we use it. Mr. Moss will forward the email to the chief for his review. Mr. Moss also asked if the ordinance passed tonight could be changed if the gel capsules are developed that would prevent the use of these drugs in making meth. Attorney advised this probably wouldn't happen for a while, but yes the ordinance could be amended at a later date.

OLD BUSINESS

None

COMMITTEE REPORTS

Dan Kroupa reported the next Finance Committee meeting would be at 6 pm next Thursday.

Bill Moritz reported the Liquor Control Committee had met this evening and chose a new chairperson, Sandra Kownacki. They also reviewed 3 applications, which she elaborated on.

Ken Moss offered a **motion to authorize outdoor liquor sales for the Veteran's Day celebration at Applebee's, 1110 Big Bill Road**. Seconded by Jeff Fitter. Roll call vote: Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; Fitter, yes; Moritz, yes; Amato, yes; 8 yeas, **motion carried**.

Paul Freese offered a **motion to approve a liquor license for Aldi's 2154 Michigan, Managing Officer Robert Jeffries, for original package liquor license including Sunday sales**. Seconded by Cricky Lang. Roll call vote: Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; Fitter, yes; Moritz, yes; Amato, yes; 8 yeas, **motion carried**.

Ken Moss offered a **motion to approve a liquor license for Dollar General, 505 Jeffco, Managing Officer Lorene Samson, for original package liquor NOT including Sunday sales**. Seconded by Paul Freese. Roll call vote: Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; Fitter, yes; Moritz, yes; Amato, yes; 8 yeas, **motion carried**.

REPORTS FROM MAYOR & COUNCIL

Mayor Counts – Excused

Mayor Pro-tem Bill Moritz – No report

Ward 1 – Doris Borgelt – No report

Ward 1 – Cricky Lang – Expressed thanks for the flowers sent during her recent hospitalization and apologized for missing the liquor committee meeting tonight, stating she was being released from the hospital and just made it here in time for the council meeting.

Ward 2 – Jeff Fitter – No report

Ward 2 – Bill Moritz – No report

Ward 3 – Paul Freese – Announced there is a Ward 3 Town Hall meeting this Saturday morning and also on November 9th a subdivision meeting for the subdivision located behind Bandanas.

Ward 3 – Phil Amato – No report

Ward 4 – Ken Moss – No report

Ward 4 – Sandra Konacki – Thanked Bryson for his assistance with street repairs in her ward.

ADMINISTRATIVE REPORTS

City Administrator Matt Unrein – Announced the Household Hazardous Waste drop-off event will be held Dec. 3 at Arnold Park and more details will be forthcoming. He indicated a Leader advertisement and postcards would announce this.

Diane Waller - No report.

Chief Shockey – Explained the details for using the big green Drug Drop Off Box located in the lobby of the Police Station, available 24/7, where they will accept all non-liquid drugs for disposal. This includes illegal drugs, no questions asked, so they can be disposed of properly.

Susie Boone – No report.

Mary Holden – Referred to the CUP on tonight's agenda, (2011-23 Arnold Animal Hospital Conditional Use Permit) and reminded council if no action is taken tonight, it stands approved. Council took no action so it stands approved.

Ms. Holden also informed council that Dan Bish had looked at our recent census numbers and guidelines and we need ward redistricting. This will be presented for discussion at the next work session.

Bryson Baker – Shared that 6 employees from the City of Hannibal were here to look at our speed tables that have been successful for us. He also provided dates for the brush drop-off, November 19 and December 3, explaining this will take place at City Hall, as it was too costly to hire this out. He also provided updates on the Public Works rehab project. Invited all to come see the progress of this building.

Bob Sweeney – Congratulated the St. Louis Cardinals!

Deborah Lewis – No report

Greg Hall – Indicated the Tourism meeting was not held, as they did not have a quorum present.

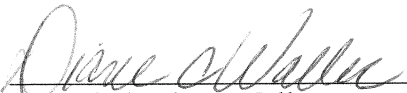
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Regular Meeting
November 3, 2011

Mr. Moritz indicated Veteran's Day is next week and asked everyone to look up the expression the 11th hour, of the 11th day, of the 11th month and take a few moments to remember our Veteran's, both past and present.

A motion to close the meeting was offered by Cricky Lang and seconded by Paul Freese.

Voice Vote: all yeas

Meeting adjourned 8:35 pm.



City Clerk Diane Waller

CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: REGULAR

DATE: 11/3/2011

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BILL NO - RESOLUTION - MOTION

	ROLL CALL	APPROVE 10/20/11 MINUTES	APPROVE PAYROLL WARRANT NO. 1119	APPROVE GENERAL WARRANT NO. 5558	APPROVE BILL NO. 2488	APPROVE BILL NO. 2489
COUNCIL MEMBERS:						
MAYOR						
PRO-TEM: <u>BILL MORITZ</u>						YES
COUNCIL: <u>PAUL FREESE</u>	PRESENT	YES	YES	YES	YES	NO
COUNCIL: <u>SANDRA KOWNACKI</u>	PRESENT	YES	YES	YES	YES	NO
COUNCIL: <u>KEN MOSS</u>	PRESENT	YES	YES	YES	YES	YES
COUNCIL: <u>DORIS BORGELT</u>	PRESENT	YES	YES	YES	YES	NO
COUNCIL: <u>CRICKY LANG</u>	PRESENT	YES	YES	YES	YES	YES
COUNCIL: <u>JEFF FITTER</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	NO
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

DATE: 11/3/2011

PAGE: 2

BILL NO - RESOLUTION - MOTION

COUNCIL MEMBERS:

MAYOR

PRO-TEM: BILL MORITZ

COUNCIL: PAUL FREESE

COUNCIL: SANDRA KOWNACKI

COUNCIL: KEN MOSS

COUNCIL: DORIS BORGELT

COUNCIL: CRICKY LANG

COUNCIL: JEFF FITTER

COUNCIL: BILL MORITZ

COUNCIL: PHIL AMATO

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 CHIEF: CHIEF SHOCKEY

PUBLIC WORKS: BRYSON BAKER

TREASURER: DAN KROUPA

DIR. OF ADMIN. GREG HALL

	APPROVE RESOLUTION NO. 11-58	APPROVE RESOLUTION NO. 11-59	APPROVE RESOLUTION NO. 11-60	APPROVE RESOLUTION NO. 11-61	APPROVE RESOLUTION NO. 11-62	APPROVE RESOLUTION NO. 11-63
COUNCIL: <u>PAUL FREESE</u>	YES	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
COUNCIL: <u>CRICKY LANG</u>	YES	YES	YES	YES	YES	YES
COUNCIL: <u>JEFF FITTER</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
ADMINISTRATOR: MATT UNREIN						
CITY CLERK: DIANE WALLER						
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