

Mayor Ron Counts called the meeting to order at 7: 03 pm.

The Pledge of Allegiance was recited.

Dr. Quentin Maden, New Hope United Methodist Church, offered the opening prayer.

Mayor asked for a moment of silence for Trudy Marshall, a former councilperson for the city of Arnold, who recently passed away.

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

ACCEPTANCE OF MINUTES:

Bill Moritz moved **to accept the minutes of the October 6, 2011 meeting** if there were no deletions, errors or corrections. Jeff Fitter then seconded the motion. Roll call vote: Amato, yes; Freese yes; Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; Fitter, yes; Moritz, yes; 8 yeas: **Motion carried.**

ACCEPTANCE OF WARRANTS:

City Clerk Diane Waller read **Payroll Warrant #1118**. Doris Borgelt moved **to pay Payroll Warrant #1118 in the amount of \$243,502.16** if the monies are available. Seconded by Cricky Lang. Roll call vote: Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; Fitter, yes; Moritz, yes; 8 yeas: **Motion carried.**

City Clerk Diane Waller read **General Warrant #5557**. Paul Freese moved **to pay General Warrant #5557 in the amount of \$674,681.17** if the monies are available. Seconded by Cricky Lang. Roll call vote: Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; Fitter, yes; Moritz, yes; 8 yeas: **Motion carried.**

BUSINESS FROM THE FLOOR:

Ms. Susan Wilson, 1611 Redbud, owner of the Quik Trip property, spoke briefly about the proposed CVS development and shared Quik Trip is in support of these road improvements.

Ms. Terri Kreitler, County Council, spoke in support and encouraged an ordinance limiting the sale of pseudoephedrine products. She added our action effects the entire county as people come from everywhere. She indicated she would be willing to go to Fenton and St. Louis County to encourage them to also pass an ordinance.

Mr. Ken Waller, County Executive, also spoke passionately in support of Bill #2487, the ordinance regarding sales of pseudoephedrine products. He indicated Governor Nixon is impressed with the action of Jefferson County cities in regards to getting this restricted.

Mr. Lloyd Rodgers, 861 Morningside Lane, shared an experience with the skunk issues in his neighborhood and feels city needs to do something other than catch them and return them to the river, as they keep coming back.

Ms. Nanette Wilson, 2177 Christy, expressed her concerns regarding the proposed CVS development. As a nearby property owner she is concerned about the blasting that could damage homes. She also had traffic safety concerns.

Mayor assured her this will be closely monitored and those involved in the blasting must have insurance and be held liable, should damages occur.

Ms. Linda Poor, 10 Lamp Post Lane, read a prepared statement and spoke against the use of eminent domain.

A motion was offered by Ken Moss to **amend agenda to remove Bill No. 2483**. Seconded by Sandra Kownacki. Roll call vote: Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; Fitter, yes; Moritz, yes; 8 yeas. **Motion carried.**

Councilman Moritz questioned why Bill No. 2483 had been removed. Mary Holden explained there were some real estate issues.

ORDINANCES:

BILL NO. 2482 AN ORDINANCE AUTHORIZING THE EXECUTION OF A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ARNOLD AND DUNCAN AVENUE PROPERTIES. This had previously been read once at the meeting on October 6, 2011.

Matt Unrein had provided a memo regarding this subject. Questions were asked by council and Mr. Glarner, representing Raven Development, responded. Concerns were again expressed regarding the use of eminent domain.

Attorney Sweeney offered assurance that Mr. Glarner's efforts should avoid this, as he has verbal agreements with those involved. Also, if it came down to it, this would be for road use and that property would not be turned over to another person or persons, but would belong to the city. There was concern as to the interpretation and Mr. Sweeney's legal opinion was (if the city had to use eminent domain), we would not be violating our ordinance as it was used for the transportation plan, not done solely for economic purpose.

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Mr. Fitter clarified, if eminent domain was needed, it would be limited to improve only the roads. He also clarified we are here tonight to approve only the agreement.

Mr. Glarner stated again he doesn't foresee this becoming an issue as he has the support from the funeral home, QT and feels Applebee's is also on board.

Cricky Lang stated she is uncomfortable with eminent domain being mentioned in the agreement.

Doris Borgelt stated there is "use and abuse of eminent domain".

Mayor spoke in support of this agreement.

Mr. Unrein shared city needs this intersection and this road improvement, as it is the start in eliminating the safety concerns and hopes it will be supported.

Paul Freese indicated MoDot recognizes this will improve traffic safety in that area.

Sandra Kownacki asked how much this was going to cost Arnold and Mr. Unrein responded about \$3 million but this was a good investment for this corridor.

Diane Waller read Bill No. 2482. Roll call vote: Amato, no; Freese, yes; Kownacki, no; Moss, no; Borgelt, yes; Lang, no; Fitter, yes; Moritz, yes; 4 yeas, 4 nays,
Mayor broke the tie with a yes vote. Ordinance passed.

BILL NO. 2483 – had previously been removed from agenda.

BILL NO. 2486 AN ORDINANCE PROVIDING FOR AN ADJUSTMENT TO THE FISCAL YEAR 2012 GENERAL FUND BUDGET ALLOCATING FUNDS FOR A FALL HOUSEHOLD HAZARDOUS WASTE EVENT was discussed.

Ken Moss indicated city needs to address the traffic issue nightmare and safety concerns, where cars lined up on Jeffco, during the last event. He suggested using a different location.

Mr. Unrein explained City Hall offers 24-hour surveillance and Mr. Moss then suggested we pay an extra police officer. Chief informed him that would require overtime as they were already short staffed.

Doris Borgelt suggested to help reduce the traffic congestion we have specific ward times for drop offs.

Bill No. 2486 was read twice by City Clerk Diane Waller. Roll call vote: Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; Fitter, yes; Moritz, yes; 8 yeas. **Ordinance passed.**

BILL NO. 2487 AN ORDINANCE AMENDING CHAPTER 17 ARTICLE XI OF THE CODE OF ORDINANCES PERTAINING TO THE SALE OF EPHEDRINE PRODUCTS WITHIN THE CITY OF ARNOLD was discussed as two ordinances were presented for consideration this evening. One had the normal “this ordinance shall be in full force and effect from and after its passage by the City council and its approval by the Mayor when signed.” The other ordinance Alternative A, added “and the incorporation and adoption of a similarly restrictive ordinance by the City of Fenton, Missouri and the County of St. Louis, Missouri.”

Phil Amato offered a **motion to use Alternative A** and so moved. Seconded by Paul Freese. Roll call vote: Amato, yes; Freese, yes; Kownacki (she asked, “Can you come back to me”), Moss, no; Borgelt, yes; Lang, no; Fitter, no; Moritz, yes; Kownacki, yes; 5 yeas, 3 nays. **Motion carried.**

Bill No. 2487 as amended (Alternative A) was read once by City Clerk Diane Waller.

Discussion followed regarding Bill No. 2487 as amended.

Bill Moritz stated, if this passes, he would like this reviewed in 6 months. He stated that he had talked with local pharmacists who support this ordinance and shared some experiences they have had in their own locations. Although they are concerned about the people who really need the drug, other instances have resulted in them implementing their own additional controls. Mr. Moritz stated he was in support of an ordinance and offered to go to Fenton and St. Louis County with Ms. Kreitler, to encourage their support of ordinances regulating sales of ephedrine. He also wanted city to make a strong effort to encourage their action to support a similar ordinance.

Jeff Fitter compared this bill to our smoking ban and questioned why we are waiting for someone else to act before we do. We need to lead now. He then proceeded to share a personal experience with someone he knew being asked to purchase the drug illegally and he feels we need to protect our people.

Doris Borgelt responded to his comment that we should not punish the law-abiding citizen.

Mr. Moss now indicates that by passing this ordinance, with the amendment, city is not really doing anything to alleviate the problem.

Ms. Borgelt added, if this was to pass, it really doesn't fix any problem.

City Clerk Diane Waller read Bill No. 2487 as amended (Alternative A) for the second time.

Doris Borgelt then added she had called some of her constituents in Ward 1 and they were not in favor of this ordinance. She asked if others had done the same. Cricky Lang responded that Mrs. Borgelt had probably called only those she wanted to as there are 1500 residents in Ward 1 and that was not the opinion of all. Ms. Lang felt that if residents had concerns regarding this bill, they would have brought them up.

After hearing all the discussion, Mr. Moritz felt council should have voted down the Alternate A.

Roll call vote on amended Bill No. 2487: Amato, yes; Freese, yes; Kownacki, (hesitates and Mayor advises her she must vote yes or no) yes; Moss, no; Borgelt, no; Lang, no; Fitter, no; Moritz, no; 3 yes, 5 nays, **Ordinance failed.**

Mr. Unrein clarified with Mr. Sweeney that only those on the prevailing side may bring it back to review at a future date. Mr. Unrein, however, could bring back another version at a future meeting. Mr. Moritz felt he was on the prevailing side and Mr. Sweeney advised Alternate A has been voted on as Bill No. 2487. The unaltered version was not the choice.

Mr. Moritz questioned what needs to be done to make this happen. Attorney advised a vote could take place at another meeting on the unaltered version.

Mayor acknowledged this could be brought back at another meeting.

Discussion followed questioning the inconsistency of the voting. Council made various comments and questions.

Mayor advised we are moving on to Resolutions.

Mayor read **RESOLUTION NO. 11-57 A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SCOPE OF SERVICE AGREEMENT WITH THE ARNOLD CHAMBER OF COMMERCE.**

Amato spoke and again referred back to the ephedrine ordinance. Ms. Borgelt stated “point of order” and Mr. Amato continued to speak and disagreed. She repeated “point of order”. Attorney advised the need to move on to resolutions, just as the Mayor had indicated earlier. Attorney advised the ordinance couldn’t be discussed now. Attorney did offer this could be brought up later under new business or at a future meeting.

RESOLUTIONS:

RESOLUTION NO. 11-57 A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SCOPE OF SERVICE AGREEMENT WITH THE ARNOLD CHAMBER OF COMMERCE was read by City Clerk Diane Waller. Bill Moritz offered a motion to accept and so moved. Seconded by Jeff Fitter. Roll call vote: Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; Fitter, yes; Moritz, yes; 8 yeas. **Motion carried.**

MOTIONS

None

NEW BUSINESS:

Bill Moritz apologized for his voting on the last ordinance. Doris Borgelt kept saying “point of order” but she was corrected as attorney advised this could be brought up now, but not voted on. Mr. Moritz stated we need to do something about the ordinance as he had intended to have it pass.

Mr. Moritz offered his opinion that the Household Hazardous Waste collection should not be done during deer season.

He also complimented the Public Works staff for the fine job they are doing, working overtime, rehabbing the old community center.

OLD BUSINESS

Ken Moss referred to the timeline of the HUD grant being lost by the city and questioned the e-mail explanation from Mr. Unrein. Mr. Moss explained how he was bothered by this loss since money is tight.

Bill Moritz stated he would like about 5 minutes in a work session to discuss property maintenance issues.

COMMITTEE REPORTS

Sandra Kownacki reported Aging and Disability met today and are working on their strategic plan.

Ken Moss reported Economic Development has met and talked about using a newsletter for updates and/or advertising in the Leader newspaper.

Dan Kroupa reported on the Finance Committee meeting and the presentation by the Auditors. He also reported he and Dan Bish had attended the Jefferson County Economic Development meeting.

REPORTS FROM MAYOR & COUNCIL

Mayor Counts – Announced he is accepting resumes for P & Z appointment and has met with Fox C-6 regarding the farmers market.

Ward 4 – Sandra Kownacki – Reported Aging and Disability Commission has vacancies that need to be filled.

Ward 4 – Ken Moss – No report.

Ward 3 – Phil Amato – No report

Ward 3 – Paul Freese – Thanked Matt Unrein and Mary Holden for some issues involving a home on Morningside.

Ward 2 – Bill Moritz – Acknowledged Trudy Marshall and extended condolences to her family.

Ward 2 – Jeff Fitter – Thanked Matt and staff for helping him so far.

Ward 1 – Cricky Lang – reported she has had some brush pickup calls and shared skunks are being taken to river but keep coming back and we need to do something.

Ward 1 – Doris Borgelt – Expressed concerns with business licenses for those participating in the Home Show and was wondering if city was going to pursue this plan of action for the Fox Craft Fair and Boy Scouts tailgate sale. She also acknowledged the death of Trudy Marshall, adding she was a “corker”. She also questioned the city hall front doors and whether or not they would be brought to current ADA standards.

ADMINISTRATIVE REPORTS

City Administrator Matt Unrein – No report

Diane Waller - No report

Chief Shockey – No report

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Susie Boone – No report.

Mary Holden – reminded everyone of the Open House on October 25 from 5 to 7 for the comprehensive plan.

Bryson Baker – Reported he has met with the contractor involving repairs on Richardson Road, provided an update on the old community building rehab, reported on a sewer repair issue on Morningside and indicated he is also getting bids for a possible brush pickup.

Matt Unrein informed all that both Parks and Public Works spend a great deal of time on brush pickup and have worked well together.

Bob Sweeney – Agreed that Trudy Marshall was a “corker”.

Deborah Lewis – Reported city auditors will be here all next week, working in the upstairs conference room.

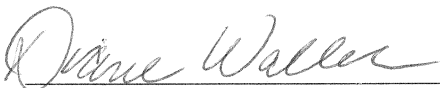
Greg Hall – He addressed Ms. Borgelt’s concerns with the front doors and is getting bids to repair or replace to meet required ADA standards.

Bill Moritz added he also wants this done.

A motion to close the regular meeting was offered by Bill Moritz at 8:32 pm and seconded by Ken Moss.

Voice Vote: all yeas

Meeting adjourned 8:32 pm



City Clerk Diane Waller

CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: REGULAR

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BILL NO - RESOLUTION - MOTION

		ROLL CALL	APPROVE 10/6/2011 MINUTES	APPROVE PAYROLL WARRANT NO. 1118	APPROVE GENERAL WARRANT NO. 5557	AMEND AGENDA TO REMOVE BILL NO. 2483	APPROVE BILL NO. 2482
COUNCIL MEMBERS:							BROKE TIE WITH YES
MAYOR	<u>RON COUNTS</u>	PRESENT					
COUNCIL:	<u>PHIL AMATO</u>	PRESENT	YES	YES	YES	YES	NO
COUNCIL:	<u>PAUL FREESE</u>	PRESENT	YES	YES	YES	YES	YES
COUNCIL:	<u>SANDRA KOWNACKI</u>	PRESENT	YES	YES	YES	YES	NO
COUNCIL:	<u>KEN MOSS</u>	PRESENT	YES	YES	YES	YES	NO
COUNCIL:	<u>DORIS BORGELT</u>	PRESENT	YES	YES	YES	YES	YES
COUNCIL:	<u>CRICKY LANG</u>	PRESENT	YES	YES	YES	YES	NO
COUNCIL:	<u>JEFF FITTER</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 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

		APPROVE BILL NO. 2486	MOTION TO USE ALTERNATIVE A OF BILL NO. 2487	APPROVE BILL NO. 2487 AS AMENDED	APPROVE RESOLUTION NO. 11-57		
COUNCIL MEMBERS:							
MAYOR RON COUNTS							
COUNCIL: PHIL AMATO		YES	YES	YES	YES		
COUNCIL: PAUL FREESE		YES	YES	YES	YES		
COUNCIL: SANDRA KOWNACKI		YES	YES	YES	YES		
COUNCIL: KEN MOSS		YES	NO	NO	YES		
COUNCIL: DORIS BORGELT		YES	YES	NO	YES		
COUNCIL: CRICKY LANG		YES	NO	NO	YES		
COUNCIL: JEFF FITTER		YES	NO	NO	YES		
COUNCIL: BILL MORITZ		YES	YES	NO	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			