

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

The Pledge of Allegiance was recited.

Mayor Counts offered the opening prayer.

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

Mayor Counts then asked for anyone involved with the Commission for Aging and Disability to come forward and he presented a proclamation, recognizing October as Disability Awareness month. Those present were June Enloe, Michelle Hohmeier, Mike Evans, Rich Kraus and Nancy Foster.

ACCEPTANCE OF MINUTES:

Ken Moss made a motion and moved to accept the minutes of October 4, 2012 meeting if there were no errors, deletions, or corrections. 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.**

Doris Borgelt made a motion and moved to accept the minutes of the special meeting of October 11, 2012. 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.**

ACCEPTANCE OF WARRANTS:

City Clerk Diane Waller read Payroll Warrant #1144. **Doris Borgelt made a motion and moved to pay Payroll Warrant #1144 in the amount of \$246,249.68** if the funds are available. Seconded by Ken Moss. 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 #5581. **Bill Moritz made a motion and moved to pay General Warrant #5581 in the amount of \$804,687.80** if monies are available. 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.**

BUSINESS FROM THE FLOOR

Mayor explained the procedure to speak that is set by ordinance and the need to provide speaker cards.

Richard Puttman, 1940 Keywest, spoke of his continuing problems and shared he recently had 9 feet of water under his house as a result of the recent rains. Again he asked what can be done for the 5 people affected, along with those in neighboring properties. He is looking for any suggestions.

Mayor asked Chief and Greg Hall to investigate to see if any other direction or guidance could be offered to these folks.

Mr. Puttman added that in addition to health issues, the Egleston house is now sitting empty as they have moved out. This is upsetting especially for the residents who must now look at that home deteriorating.

Mr. Lloyd Rodgers, 861 Morningside, shared an incident at the northwest corner of Jeffco and Highway 141 involving a political rally. He stated folks were reading the signs and honking as they drove their vehicles through that busy intersection one day. He was almost hit by a car participating, which frightened and upset the occupants in his own car. He felt this was a dangerous intersection and this type of activity should not be allowed.

Sheri Gassaway, 9021 Gravois View Ct. introduced herself as the new editor of Patch.com, a daily on-line newspaper.

Dave Woodridge, 2791 Preston, stated he appreciated everything the city does, including the Police Department. However, he felt there is an increase in crime and drug activity and wondered if the county or state could assist us to address this. He also stated he didn't appreciate the fact the public was made aware that he had left his keys in a vehicle that was recently stolen.

Roy Wilde, 915 Lonedell, read a prepared statement thanking the Mayor, the Council, Community Development Department, McArthurs Bakery and those involved in the proclamation, cake and well wishes prior to the last meeting, recognizing him for his many years of service on the Planning Commission.

ORDINANCES

BILL NO. 2525 – AN ORDINANCE INCREASING THE FISCAL YEAR 2013 GENERAL FUND BUDGET FOR THE CURRENT YEAR’S PORTION OF THE SURFACE TRANSPORTATION IMPROVEMENT PROGRAM (STP) GRANT FOR MICHIGAN AVENUE was read twice by City Clerk Diane Waller. Roll call vote: Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; Hohmeier, yes; Moritz, yes; 8 yeas, **Ordinance passed.**

BILL NO. 2526 – AN ORDINANCE AMENDING MISDEMEANOR PENALTIES IN THE CODE OF ORDINANCES was read twice by City Clerk Diane Waller. Roll call vote: Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; Hohmeier, yes; Moritz, yes; 8 yeas, **Ordinance passed.**

BILL NO. 2527 – AN ORDINANCE AMENDING CHAPTER 12 OF THE CODE OF ORDINANCES RELATING TO WEEDS AND OTHER NOXIOUS MATTER was read by City Clerk Diane Waller. Roll call vote: Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; Hohmeier, yes; Moritz, yes; 8 yeas, **Ordinance passed.**

RESOLUTIONS

RESOLUTION NO. 12-56 – A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN ENCROACHMENT AGREEMENT AND MEMO OF UNDERSTANDING WITH DARREN MCARTHY AS REGARDS TO PROPERTY LOCATED AT 3301-3307 WAYCROSS DRIVE. Phil Amato made **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.**

MOTIONS

None

NEW BUSINESS

Ken Moss spoke of all the recent closed sessions and he shared an idea that the city would provide an agenda to the council on what is to be discussed. Discussion and questions followed. This would allow them to decide if they want to go into closed session.

Attorney Sweeney advised the law is clear and we are obligated to identify the basic reason for which we close the meeting, with specific sections. Any item related to that section can then be discussed. What councilmember Moss indicated would narrow it down so all would know specifically what is to be talked about.

Sandra Kownacki felt this agenda idea would be good as now some council members know in advance what is to be discussed because they ask, while others do not. She indicated she has come in blindsided.

Attorney Sweeney recommended a formal procedure be in place.

Michelle Hohmeier questioned if this agenda would be a public record. Her understanding was if you vote not to go into closed session, and the council still does, there is protection for those who did not feel it was necessary. This was followed by more discussion.

Attorney thought her question was good, explaining the state law is clear about closing the meeting, identifying the statute that allows it to be closed and the topic.

Ms. Borgelt didn't feel the sunshine law gives you a blanket reason to talk about everything.

Mr. Sweeney explained if you speak on litigation, you can speak about any litigation.

Ms. Borgelt disagreed. Mr. Sweeney responded he did not feel her interpretation was correct and reiterated statute requirements.

OLD BUSINESS

Phil Amato reported on the recent classical concert and stated it did well and there was a nice crowd.

Michelle Hohmeier questioned the vacancy on Planning and Zoning and questioned if the Mayor will be bringing someone forward.

Mayor indicated this would happen.

COMMITTEE REPORTS

Treasurer Kroupa reported on the Finance Committee meeting held earlier tonight stating Tammy Alsop, from the Hochschild Bloom & Co auditing firm, had presented.

The auditing team will be here starting Monday, October 22nd and will be here about a week. We should expect the final audit reports in January.

Michelle Hohmeier reported on the P & Z Meeting, sharing how the Department of Conservation reported there is an emerald ash borer coming and it will kill the ash trees.

Mrs. Hohmeier also reported she had attended the Aging and Disability meeting, adding there is a survey and she encouraged everyone to provide their input.

REPORTS FROM MAYOR & COUNCIL

Mayor Ron Counts – Talked about the roundabout looking good, but please be cautious. The signage is helping but the word YIELD is often misunderstood. He also reported the last weekend for the Farmer's Market is approaching, as it runs through October.

Ward 4 – Sandra Kownacki – Posed questions about the crack sealing being done, and reported she has had complaints and felt it was sloppy work. She observed some activity and asked questions. Mr. Baker explained how different crews do different parts of the project. He agreed to meet with her to fully understand and relieve her concerns.

Ward 4 - Ken Moss – No report

Ward 3 – Phil Amato –No Report

Ward 3 – Paul Freese – No report

Ward 2 – Bill Moritz – No report

Ward 2 - Michelle Hohmeier – No report

Ward 1 - Cricky Lang – No report

Ward 1 – Doris Borgelt - No report

ADMINISTRATIVE REPORTS

Treasurer Kroupa – No report

Interim City Administrator/Chief Shockey – Acknowledged the signage in front of the City Hall/Police Department complex has seen better days. He asked if council is interested in replacement and upgrading.

He distributed a photo of the sign in front of Sunset Hills as a suggestion and asked for feedback.

Bill Moritz agreed, we absolutely need to do something and suggested the sign be programmable so we can inform citizens of events, etc.

Michelle Hohmeier asked what kind of money we are talking about and was advised by the Chief that a good sign could cost \$30,000 to \$35,000, adding he thought we had \$20,000 already in the budget.

Doris Borgelt asked what had happened to the sign we had planned for the entrance to the city, stating she thought that was already ordered and money spent.

Chief explained we did not get the grant to help with that project but did incur some expenses. He thought about \$4000 was paid for the panels that were ordered and made. The other parts have not been made.

Mayor directed Chief to look into signage ideas and costs.

Chief also brought up the idea of having a thorough review of our Code of Ordinances. He would like authorization to go out for RFPs. The city has never had this done and some of our ordinances are not in compliance with statutes. We need a thorough legal review.

A poll was taken to authorize the RFP for a legal review. 5 yeas, 3 nays

City Clerk Diane Waller – No report

Susie Boone – Reminded everyone of upcoming events in the park – The Trunk or Treat and Dog Pawty events.

Mary Holden – Reported she will join the Mayor on October 31 in an effort to sell the city at a hearing for the proposed project Patrick Werner is hoping to bring to the city, similar to Watercolor Villas.

Bryson Baker – Reported the RFP for engineering services for Melody Lane has been advertised in tomorrow's paper. Also, Saturday is the last day for the brush drop off at City Hall and reported last week was very successful.

Attorney Bob Sweeney – Reported he had received notice from the ACLU regarding our ordinance on handbill distribution. The Klu Klux Klan and the ACLU has asked that we rescind our ordinances, as they feel it is unconstitutional. There was a recent case in Cape Girardeau (September of this year) where that city lost with a very similar ordinance.

Attorney suggested we not enforce the ordinance until such time we can make amendments. He feels Arnold would lose in a court case, if we followed our current ordinance. He was looking for council direction.

More discussion followed.

Chief questioned attorney if signage was posted would that make a difference but attorney advised that would not work.

More discussion continued.

Chief expressed concern if city does not follow their ordinances.

Paul Freese shared his experience with this type of activity and stated if you allow one, you must allow all.

Attorney offered more comments, adding if he hears nothing more from council, he will offer to provide a letter to ACLU, advising we will not enforce until such time we can make the necessary amendments. This way city should not be sued.

More discussion. Phil Amato also shared a story relative to this discussion.

Ken Moss clarified by us not doing anything, we are giving permission to not enforce the ordinance. He stated he would like to keep the enforcement.

Attorney understood but that would cause the lawsuit and advised they will seek an injunction Monday.

Mayor suggested a poll but Doris Borgelt stated a poll is out of order.

Attorney advised he would follow the direction he believes he is getting from council and move forward.

Deborah Lewis – Reported the auditors have sent their questionnaires in the mail and please complete and return to the auditors. City has changed FSA provider and as such, we will have different banking arrangements.

8

Regular Meeting
October 18, 2012

Greg Hall – Reported on the Aging and Disability survey. During their meeting they expressed an interest in working on more of a presence on the city's web site.

He reported JSI hires those with development disabilities and they dismantle components that are then recycled. They hope to have an e-waste event in March in conjunction with the All Abilities Expo.

A motion was offered by Paul Freese to adjourn the meeting. Seconded by Cricky Lang

Voice Vote: all yeas.

Meeting adjourned at 8:07 pm.



City Clerk Diane Waller

CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: REGULAR

DATE: 10/18/2012

PAGE: 1

BILL NO - RESOLUTION - MOTION

		ROLL CALL	APPROVE 10/04/2012 MINUTES	APPROVE 10/11/2012 MINUTES	APPROVE PAYROLL WARRANT NO. 1144	APPROVE GENERAL WARRANT NO. 5581	APPROVE BILL NO. 2525
COUNCIL MEMBERS:							
MAYOR	RON COUNTS	PRESENT					
COUNCIL:	PHIL AMATO	PRESENT	YES	YES	YES	YES	YES
COUNCIL:	PAUL FREESE	PRESENT	YES	YES	YES	YES	YES
COUNCIL:	SANDRA KOWNACKI	PRESENT	YES	YES	YES	YES	YES
COUNCIL:	KEN MOSS	PRESENT	YES	YES	YES	YES	YES
COUNCIL:	DORIS BORGELT	PRESENT	YES	YES	YES	YES	YES
COUNCIL:	CRICKY LANG	PRESENT	YES	YES	YES	YES	YES
COUNCIL:	MICHELLE HOHMEIER	PRESENT	YES	YES	YES	YES	YES
COUNCIL:	BILL MORITZ	PRESENT	YES	YES	YES	YES	YES
INTERIM ADMINIS TRATOR/ CHIEF OF POLICE	BOB SHOCKEY	PRESENT	PARKS DIR:		SUSIE BOONE	PRESENT	
CITY CLERK:	DIANE WALLER	PRESENT	PUBLIC WORKS:		BRYSON BAKER	PRESENT	
COM DEV DIR:	MARY HOLDEN	PRESENT	TREASURER:		DAN KROUPA	PRESENT	
FINANCE DIR:	DEBORAH LEWIS	PRESENT	DIR. OF ADMIN.		GREG HALL	PRESENT	
CITY COUNSELOR	BOB SWEENEY	PRESENT					

CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: REGULAR

DATE: 10/18/2012

PAGE: 2

BILL NO - RESOLUTION - MOTION

		APPROVE BILL NO. 2526	APPROVE BILL NO. 2527	APPROVE RESOLUTION NO. 12-56			
COUNCIL MEMBERS:							
MAYOR	RON COUNTS						
COUNCIL:	PHIL AMATO	YES	YES	YES			
COUNCIL:	PAUL FREESE	YES	YES	YES			
COUNCIL:	SANDRA KOWNACKI	YES	YES	YES			
COUNCIL:	KEN MOSS	YES	YES	YES			
COUNCIL:	DORIS BORGELT	YES	YES	YES			
COUNCIL:	CRICKY LANG	YES	YES	YES			
COUNCIL:	MICHELLE HOHMEIER	YES	YES	YES			
COUNCIL:	BILL MORITZ	YES	YES	YES			
INTERIM ADMINIS TRATOR/ CHIEF OF POLICE	BOB SHOCKEY				PARKS DIR:	SUSIE BOONE	
CITY CLERK:	DIANE WALLER				PUBLIC WORKS:	BRYSON BAKER	
COM DEV DIR:	MARY HOLDEN				TREASURER:	DAN KROUPA	
FINANCE DIR:	DEBORAH LEWIS				DIR. OF ADMIN.	GREG HALL	
CITY COUNSELOR	BOB SWEENEY						