

City of Arnold, Missouri

**Council Meeting
Council Chambers**

**September 16, 2010
7:00 p.m.**

Amended Agenda

1. Pledge of Allegiance
2. Opening Prayer: Starling Road Baptist Church – Bill Byrd
3. Roll Call
4. Acceptance of Minutes: **September 2, 2010**
5. Acceptance of Warrants: **Payroll Warrant: #1090 – General Warrant: #5531**
6. Business from the Floor:
7. **Ordinances**
 - A. **Bill No. 2421:** An Ordinance Amending Chapter 19, Article V of the Code of Ordinances Providing for the Adoption of the 2009 Edition of the International Mechanical Code by Reference.
 - B. **Bill No. 2423:** An Ordinance Setting City Policy for Open Meetings and Records.
 - C. **Bill No. 2426:** An Ordinance Providing for an Adjustment to the Fiscal Year 2011 Budget.
 - D. **Bill No. 2427:** An Ordinance Amending Chapter 2, Article II, Division 3 of the Code of Ordinances Relating to Procedure.
8. Resolutions
 - A. **Resolution 10-21:** A Resolution Appointing Robert Sweeney as the City Attorney.
 - B. **Resolution 10-22:** A Resolution Authorizing the Mayor to Enter into a Contract with Patti Banks and Associates for Planning Services.
 - C. **Resolution 10-23:** A Resolution Authorizing the Mayor to Enter into a Consent to Assignment and Assumption of Contract Agreement with Allied Services, LLC. For Solid Waste Removal and Disposal Services.
 - D. **Resolution 10-24:** A Resolution Authorizing the Offering for Sale of Refunding Obligations and the Redemption of all of the Outstanding Missouri Development Finance Board Infrastructure Facilities Revenue Bonds.

9. Motions
 - A. A Motion Awarding the Purchase of One Used Utility Cart for the Maintenance Staff of Pomme Creek Golf Course.
 - B. A Motion Awarding the Purchase of One New Utility Cart for the Maintenance Staff of Pomme Creek Golf Course.
 - C. A Motion to Hold a Closed Session Immediately Following the City Council Meeting for the Purpose of Discussing Litigation and Personnel Pursuant to RSMo Section 610.021 (1), (3).
10. New Business
11. Old Business
12. Committee Reports
13. Reports from Mayor and Council
14. Administrative Reports
15. Adjournment

Next Regular Council Meeting October 7, 2010 at 7:00 p.m.
Next Work Session Meeting October 14, 2010 at 7:00 p.m.

REGULAR MEETING

September 16, 2010

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. Bill Byrd, Starling Road Baptist Church , offered the opening prayer.

Those present per roll call taken by City Clerk Diane Waller: Counts, Lindsley, Crisler, Lang, Connell, Moss, Moritz, Edwards, Freese, Waller, Unrein, Holden, Lewis, Boone, Shockey, Baker, Kroupa and Hall.

ACCEPTANCE OF THE MINUTES:

Jason Connell moved to **accept the minutes of the September 2, 2010 meeting** if there were no deletions, errors or corrections. Bob Lindsley seconded the motion. Roll call vote: Lindsley, yes; Crisler, yes; Lang, yes; Connell, yes; Moss, yes; Moritz, yes; Edwards, yes; Freese, yes; 8 yeas, **Motion carried.**

ACCEPTANCE OF THE WARRANTS:

City Clerk Diane Waller read **Payroll warrant #1090**. Jim Edwards moved to **pay payroll warrant #1090 in the amount of \$245,819.68** if the monies are available. Seconded by Cricky Lang. Roll call vote: Lindsley, yes; Crisler, yes; Lang, yes; Connell, yes; Moss, yes; Moritz, yes; Edwards, yes; Freese, yes; 8 yeas, **Motion carried.**

City Clerk Diane Waller read **general warrant #5531**. **Jim Edwards moved to pay general warrant #5531 in the amount of \$1,064.379.13** if the monies are available. Seconded by Ken Moss. Roll call vote: Lindsley, yes; Crisler, yes; Lang, yes; Connell, yes; Moss, yes; Moritz, yes; Edwards, yes; Freese, yes; 8 yeas, **Motion carried.**

A motion was offered by Randy Crisler to amend agenda, moving Resolution No. 10-21 – A Resolution Appointing Robert Sweeney as the City Attorney. Seconded by Jim Edwards

Those in the audience became unruly, angry and loud. Police Chief directed them to quiet down or the room would be cleared.

Roll call vote: Lindsley, no; Crisler, yes; Lang, yes; Connell, no; Moss, yes; Moritz, yes; Edwards, yes; Freese, yes; 6 yeas, 2 nays, **Motion carried**

RESOLUTION NO. 10-21 – A RESOLUTION APPOINTING ROBERT K. SWEENEY, LLC AS CITY ATTORNEY was discussed. Mr. Connell, unaware that Mr. Sweeney was present, stated he had hoped he could ask some questions. **A motion was offered by Randy Crisler to appoint Robert K. Sweeney, LLC as the city attorney** and he so moved. Seconded by Jim Edwards. Roll call vote: Lindsley, no; Crisler, yes; Lang, yes; Connell, no; Moss, yes; Moritz, yes; Edwards, yes; Freese, yes, 6 yeas, 2 nays, **Motion carried.**

Mayor Counts asked Mr. Sweeney to step forward and be sworn in. City Clerk Diane Waller then swore Mr. Sweeney in as the city attorney and he took his place at the table.

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. He added that he would not tolerate any cursing or vulgarity.

Ken Horton, Jefferson County Tea Party member, directed his frustration at the council, expressing his opinion of council action and his new mission, come election time.

When Mr. Crisler asked him to state his address, he replied, “It’s none of your business” and walked to his seat.

Ms. Jen Enbach, 1050 Piedras Parkway in Fenton, referred to what she just witnessed and felt it was disgusting.

Mr. Steve Farmer, 3738 Dennis in Imperial, identified himself as a Jefferson County Tea Party member, directed his outrage and made threatening comments at council about their action.

Mr. Steve Shannon, 2661 Jere Lane, announced he had a prepared statement to read but had decided not to and instead made a physical gesture turning his backside at the council and walked away.

Mr. Matt Hay, 1135 Airglades, provided a document to be entered into the records and asked for it back, once entered. This was a summons in civil case #10JE-CC0082 that had been served to the Mayor earlier this evening.

Mr. Stan Willis, 872 Morningside, said he couldn’t believe what he just saw happen (referring to the appointment of Mr. Sweeney) and expressed his disappointment with the Mayor.

Ms. Jere Hartmann, 1099 Arnold Tenbrook, expressed she feels there is a lot of controversy with the city but wanted to thank the street department for a job well done as they had recently did a curb project at her property. She asked this be on the record.

Mr. Benjamin Adams, 2016 Princeton Place, a member of the St. Louis Tea Party, warned the council they would be held accountable for their actions.

Ms. Doris Borgelt, 653 Louisa, read a prepared statement of her thoughts on the action taken tonight and expressed her disgust.

Ms. Kim Moore, 756 Mary provided letters and photos and spoke about the property she owns jointly with Jerel Poor on Jackson Drive. She feels they are being harassed and alleges city is breaking its own ordinances. She also provided a sunshine law request to the City Clerk.

Mr. Jerel Poor, 756 Mary, shared he was embarrassed and appalled by the council action tonight. Also expressed his feelings on changing the budget, opposition to Bill #2421 and felt Bill 2423 needs an Attorney General opinion.

Mr. Byron Hester, 1728 Rhythm, voiced his objections to the fees for the mechanical permits but did compliment city staff for their professionalism.

Ms. Holly Francis, 3569 Swan Circle, a teenager spoke and said she would be old enough to vote and would not be voting for those whose actions she just witnessed.

Mr. Don Pikowski, 3275 Fox Run Estates in Eureka, said he thought politics in Jefferson County was bad, but, in his opinion, the city of Arnold is even worse. He expressed the meeting procedure tonight was out of order.

Mr. Bob Hohmeir, 3569 Swan Circle South, expressed his disappointment with council action and added he was not surprised by their action tonight.

Mr. John Robinson, 4824 East Swaller, Imperial, addressed the council and is not happy with their action earlier.

Ms. Camille Galati-Nager, from Festus, voiced that she could not believe what she just witnessed and prays council would do the right thing.

Mr. Don Kirsten, 1515 Old Highway 21, stated he was a 45 year Jefferson County resident, recently lost a county election and what he saw just happen, was not right.

Mr. Brian Jaycox, 1335 Libra, directed his comments at Mr. Freese.

Ms. Ruth Atkins, 855 Woodridge, a member of the Tea Party, directed religious comments at Ms. Waller and other inappropriate remarks, making a gesture as she left the microphone.

Mr. Patrick Bryant, 1 Terra Hill Ct. jokingly indicated he wanted a part- time job making as much money as the city had paid the attorney.

Ms. Linda Vandereed, 7912 Jim Weber Road in Eureka, a member of the Tea Party expressed her disappointment with many elected officials, local, state and federal.

Ms. Candace Throm, 80 Hickory Bluff, expressed how upset she was with council and questioned if they would have voted differently after hearing all the remarks from the audience.

ORDINANCES

Bill No. 2421 AN ORDINANCE AMENDING CHAPTER 19, ARTICLE V OF THE CODE OF ORDINANCES PROVIDING FOR THE ADOPTION OF THE 2009 EDITION OF THE INTERNATIONAL MECHANICAL CODE BY REFERENCE was discussed.

Community Development Director Mary Holden spoke of the benefits of this ordinance and the need.

Mr. Lindsley did not feel this was needed as licensed professionals were doing the installations. Mr. Moritz expressed his opposition adding he felt the fees were too high. After much discussion, Mr. Connell offered a motion and so moved **to amend to require for new installation only, not repairs**. Seconded by Bob Lindsley. More discussion followed. Mr. Moss felt this was important for safety reasons. This kind of work needs to be inspected once completed.

Bill No. 2421 as amended was then read twice by City Clerk Diane Waller. Roll call vote: Lindsley, yes; Crisler, no; Lang, yes; Connell, yes; Moss, no; Moritz, yes; Edwards, no; Freese, no; 4 yeas, 4 nays. Tie vote.

Mayor broke the tie, voting yes. **Ordinance passed.**

Mr. Lindsley questioned as to whether the Mayor can vote on this and attorney advised he could vote, if he desires, but he does not have to. Mr. Sweeney feels the Mayor is part of the council but Mr. Lindsley disagreed.

Bill No. 2423 AN ORDINANCE SETTING CITY POLICY FOR OPEN MEETINGS AND RECORDS was discussed. Mayor explained how closed session information should stay closed, except for the votes and we are in compliance with sunshine laws. This ordinance would have penalties and consequences should individuals not adhere to this. Much discussion. Bill No. 2423 was read twice by City Clerk Diane Waller. Roll call vote: Lindsley, yes; Crisler, yes; Lang, yes; Connell, no; Moss, yes; Moritz, yes; Edwards, yes; Freese, yes; 7 yeas, 1 nay, **Ordinance passed.**

Bill No. 2426 AN ORDINANCE PROVIDING FOR AN ADJUSTMENT TO THE FISCAL YEAR 2011 BUDGET was discussed. Finance Director Deb Lewis explained the need for additional part time temporary help in Finance Department and the need for additional cart for golf course machinery and equipment. Bill No. 2426 was read twice by City Clerk Diane Waller. Roll call vote: Lindsley, yes; Crisler, yes; Lang, yes; Connell, yes; Moss, yes; Moritz, yes; Edwards, yes; Freese, yes; 8 yeas. **Ordinance passed.**

Bill No. 2427 AN ORDINANCE AMENDING CHAPTER 2, ARTICLE II, DIVISION 3 OF THE CODE OF ORDINANCES RELATING TO PROCEDURE was discussed and then read twice by City Clerk Diane Waller. Roll call vote: Lindsley, yes; Crisler, yes; Lang, yes; Connell, yes; Moss, yes; Moritz, yes; Edwards, yes; Freese, yes; 8 yeas, **Ordinance passed.**

Note: Mr. Connell commented there were some ordinances tonight with incorrect attorney names and questioned this. It was explained that old files were used and Mr. Sweeney agreed he did not draft this recently and explained. Mr. Unrein acknowledged also these were just scrivener's errors.

RESOLUTIONS

Resolution No. 10-22 -A Resolution authorizing the Mayor to enter into a contract with Patti Banks and Associates for Planning Services to update the City of Arnold's Comprehensive Plan was discussed.

Mary Holden explained the need to update our '96 comprehensive plan. Bob Lindsley commented that in the past city did this and he didn't necessarily want to spend \$90,000 right now. Discussion followed. **A motion was offered by Randy Crisler to authorize the Mayor to enter into a contract with Patti Banks and Associates for Planning Services to update the City of Arnold's Comprehensive Plan and so moved.** Seconded by Ken Moss. Roll call vote: Lindsley, yes; Crisler, yes; Lang, yes; Connell, yes; Moss, yes; Moritz, yes; Edwards, yes; Freese, yes; 8 yeas, **Motion carried**

Resolution No. 10-23 -A Resolution authorizing the Mayor to enter into consent to assignment and assumption of contract agreement with Allied Services. LLC for solid waste removal and disposal services was discussed. Tony Lamantia from Allied Waste and George DeVries from Veolia were introduced and available for questions. They spoke briefly giving background and provided ideas and again encouraged all to recycle. City was assured this transition should go smooth. Mayor indicated he would like to see some future discussion to see what can be done for our businesses regarding commercial trash pickup, adding it is so costly. City now services only residential properties.

Jim Edwards offered a **motion and so moved to authorize the Mayor to enter into consent to assignment and assumption of contract agreement with Allied Services, LLC for solid waste removal and disposal services** and so moved. Seconded by Randy Crisler. Roll call vote: Lindsley, yes; Crisler, yes; Lang, yes; Connell, yes; Moss, yes; Moritz, yes; Edwards, yes; Freese, yes; 8 yeas, **Resolution carried.**

Resolution No. 10-24 – A RESOLUTION AUTHORIZING THE OFFERING FOR SALE OF REFUNDING OBLIGATIONS AND THE REDEMPTION OF ALL OF THE OUTSTANDING MISSOURI DEVELOPMENT FINANCE BOARD INFRASTRUCTURE FACILITIES REVENUE BONDS (CITY OF ARNOLD, MISSOURI – ROAD INFRASTRUCTURE PROJECT SERIES 2007-B AND THE PROVISION OF NOTICE IN CONNECTION THEREWITH was discussed.

Mr. Carl Ramey, city's bond advisor with Stifel Nicholas, distributed more information and explained this recommended action. City Treasurer, Dan Kroupa, added he encouraged council to do this. A motion was offered by Bill Moritz and he so moved. Seconded by Paul Freese. Roll call vote: Lindsley, yes; Crisler, yes; Lang, yes; Connell, yes; Moss, yes; Moritz, yes; Edwards, yes, Freese, yes; 8 yeas, **Resolution carried.**

Randy Crisler requested a poll of the council to direct Mr. Unrein to borrow additional funds.

Randy Crisler offered a motion and so moved **to award the bid for a used Turf Cart for Pomme Creek Golf Course in the amount of \$4500.** Seconded by Bob Lindsley. Roll call vote: Lindsley, yes; Crisler, yes; Lang, yes; Connell, yes; Moss, yes; Moritz, yes; Edwards, yes; Freese, yes; 8 yeas, **Motion carried.**

Randy Crisler offered a **motion and so moved to award the bid for a new EX-GO ST 400 utility cart to Ex-Go in the amount of \$5,681** Seconded by Cricky Lang. Roll call vote: Lindsley, yes; Crisler, yes; Lang, yes; Connell, yes; Moss, yes; Moritz, yes; Edwards, yes; Freese, yes; 8 yeas, **Motion carried.**

A motion was offered by Ken Moss to hold a closed session immediately following the city council meeting for the purpose of discussing litigation and personnel pursuant to RSMO Section 610.021 (1), (3) and he so moved. Seconded by Bill Moritz. Roll call vote: Lindsley, yes; Crisler, yes; Lang, yes; Connell, yes; Moss, yes; Moritz, yes; Edwards, yes; Freese, yes; 8 yeas, **Motion carried.**

NEW BUSINESS

Ken Moss reported our ordinances allow the Mayor to break a tie vote.

Bob Lindsley reported he has concerns with political signage and wants ordinance reviewed. Mary Holden explained that our ordinance only addresses when signs must be removed. It is quiet as far as when they can go up.

Ken Moss stated the Finance Committee is on board with the Jeffco Bus and would like a resolution to support this.

Mayor Pro-tem Randy Crisler temporarily takes over the meeting as Mayor takes an urgent phone call.

OLD BUSINESS

Bob Lindsley brought up the issue with Parade fees being charged this year.

Matt Unrein acknowledged his concern but did not feel this was the time to discuss and this topic could be brought up at a work session for further discussion.

Jason Connell expressed concern and wants this clarified before the next Parade.

COMMITTEE REPORTS

Ken Moss, member of the Parks and Rec Commission, reported the skate park and the new sand volleyball courts are packed even though the courts are not fully completed.

Bob Lindsley questioned when the next Arnold EDC meeting would be held and Mr. Unrein responded October 1 at 9 am.

Dan Kroupa, Finance Committee member, stated financial issues have already been discussed.

REPORTS FROM MAYOR & COUNCIL

Mayor Counts – No Report

Ward 4 – Jason Connell – No Report

Ward 4 – Ken Moss – Reported he had attended the MML and there were great sessions, networking and he learned a lot. Added the city of Arnold is not alone with their problems, as he heard many of the same from other municipalities.

Ward 3 – Bob Lindsley – No Report

Ward 3 – Paul Freese - No Report

Ward 2 – Bill Moritz – Expressed his concern for anticipated increased traffic congestion with the building of a new church on Richardson and wants city to look at this soon. He also attended the MML and found it very informative. He recommended everyone should attend if they can.

Ward 2 – Jim Edwards – No Report

Ward 1 – Cricky Lang – Reported she too had attended the MML and had also attended the Newly Elected Officials Seminar that was held in Jefferson City. She added there was so much to choose from and both were very educational.

Ward 1 – Randy Crisler – Reported he too had attended the MML and found it very beneficial.

ADMINISTRATIVE REPORTS

City Administrator Matt Unrein – No Report

Treasurer Dan Kroupa – No Report

City Clerk – Diane Waller - Made council aware that her office and Mr. Unrein are getting more and more requests for adjustments on sewer when folks have their water shut off and are not living at the property. They get upset with her and staff that they are still billed the base rate, per the ordinance.

Matt Unrein elaborated that maybe something similar to the trash refund fees could be looked at. Discussion followed. This will be taken to October work session.

Chief Shockey - Announced the Car Show and Arnold Family Festival is this weekend and encouraged all to participate.

Parks Director Susie Boone – Elaborated on the Arnold Family Festival and invited all to attend.

Mary Holden – Thanked all for providing the consultant adding they are recommending an advisory committee.

Bryson Baker – Referred to the Fribis Engineering I & I Study and documents he had provided to council Kroupa asked for some preliminary costs to continue the next phases or phase. Ken Moss offered a motion and he so moved to authorize contract negotiations begin with Fribis for the next phase. Seconded by Paul Freese. Roll call vote: Lindsley, yes; Crisler, yes; Lang, yes; Connell, yes; Moss, yes; Moritz, yes; Edwards, yes; Freese, yes; 8 yes motion carried.

Deborah Lewis – No Report

Greg Hall – Announced tickets are for sale for the Upcoming October 9th Rickman concert.

At 9:25 Mayor announced there would be a 10-minute recess and then an executive session.

Closed session ended at 10:22

A motion to close regular meeting was offered by Jim Edwards. Seconded by Bill Moritz. Voice Vote: all yeas.

Meeting ended at 10:23 pm.

Respectfully submitted,

Diane Waller

