

City of Arnold, Missouri

**Council Meeting
Council Chambers**

**August 16, 2012
7:00 p.m.**

Agenda

1. Pledge of Allegiance:
2. Opening Prayer: Church of Christ of Arnold - TBA
3. Roll Call:
4. Acceptance of Minutes: **August 2, 2012**
5. Acceptance of Warrants: **Payroll Warrant #1140 - General Warrant #5577**
6. Business From the Floor:
7. Ordinances:
 - A. **Bill No. 2516:** An Ordinance Providing for the Adoption on the Fiscal Year 2013 Budget and Amending the Fiscal Year 2012 Budget.
8. Resolutions:
 - A. **Resolution 12-45:** A Resolution Waiving Trash Collection Fees for One-Year Beginning September 1, 2012 and ending August 31, 2013.
9. Motions:
 - A. A Motion Awarding the Bid to Pave a Parking Lot in Arnold City Park.
 - B. A Motion to Hold a Closed Session Immediately Following the City Council Meeting for the Purpose of Discussing Litigation and Real Estate Pursuant to RSMo Section 610.021 (1), (2).
10. New Business:
11. Old Business:
12. Committee Reports:
13. Reports from Mayor and Council:
14. Administrative Reports:

15. Adjournment

Next Regular Council Meeting September 6, 2012 at 7:00 p.m.
Next Work Session Meeting September 13, 2012 at 7:00 p.m.

August 13, 2012
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Mayor Ron Counts called the meeting to order at 7:00 pm.

The Pledge of Allegiance was recited.

A representative from the Arnold Church of Christ, did the opening prayer.

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

ACCEPTANCE OF MINUTES:

Ken Moss made a motion to correct where he thought Page 2 had Judy Drive rather than Melody. Seconded by Paul Freese. After discussion, this was determined to be a scrivener error in the work session minutes, not the regular meeting minutes of August 2. Both motions were rescinded.

Mr. Moss then made a motion and moved to accept the minutes of the August 2, 2012 meeting. Seconded by Paul Freese. Roll call vote: Borgelt, yes; Lang, yes; Hohmeier, yes; Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; 8 yeas, **motion carried.**

ACCEPTANCE OF WARRANTS:

City Clerk Diane Waller read Payroll Warrant #1140. **Cricky Lang made a motion and moved to pay Payroll Warrant #1140 in the amount of \$251,109.23 if the monies are available.** Seconded by Paul Freese. Roll call vote: Borgelt, yes; Lang, yes; Hohmeier, yes; Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; 8 yeas, **Motion carried.**

City Clerk Diane Waller read General Warrant #5577. Sandra Kownacki **made a motion and moved to pay General Warrant #5577 in the amount of \$1,459,588.13.** Seconded by Paul Freese.

Doris Borgelt questioned the 3 ½ hours on 7/27 charged by Mr. Sweeney for a case she felt the city's insurance company attorney handled and did not involve Mr. Sweeney.

Mr. Sweeney tried to explain how there is an element not covered by insurance. He also stated he preferred this not be discussed in open session. Ms. Borgelt expressed her disagreement.

Mr. Moss asked if this could be answered in closed session and attorney stated that would be a much better place to discuss.

Roll call vote: Borgelt, no; Lang, yes; Hohmeier, yes; Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; 7 yeas, 1 nay **Motion carried.**

BUSINESS FROM THE FLOOR

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

Mr. Jerry Harris, 1516 Jeffco and co-owner of Arnold Jewelry and Pawn for over 20 years, stated he had no problem with the recent ordinance passed (Bill 2515 regulating businesses buying precious metals, jewelry etc.) but voiced his complaint that he would have liked to have known about it. He was embarrassed when the news media informed him and he also would have liked to provide input. However, he did add he has no problem with the ordinance and appreciated now being on a level playing field.

Mr. Mike Evans, 509 Hannah Way, directed comments at Attorney Sweeney, expressing he didn't care for the interaction that just took place with Ms. Borgelt. He also referred to Resolution No. 12-45 that if passed, would waive trash collection fees. He questioned where the money was coming from.

ORDINANCES

BILL NO. 2516 – AN ORDINANCE PROVIDING FOR THE ADOPTION OF THE FISCAL YEAR 2013 BUDGET AND AMENDING THE FISCAL YEAR 2012 BUDGET FOR ESTIMATED RESULTS.

Chief stated he and Finance Director would answer any questions regarding the budget. All the changes they were directed to make, have been made.

Mr. Amato expressed he appreciated the work done to get a balanced budget. However, city is now going to be spending more that it expects to take in, so he would not be voting for this.

Bill No. 2516 was read one time.

Bill Moritz asked Deborah Lewis to explain how the undesignated fund balance got to where it is.

Ms. Lewis explained how this takes years to occur. We budget conservatively and how city gets reimbursed for grants etc and how tax money comes in. Over the years we have taken in more money and with good use of time and energy we are able to save some.

City Clerk Diane Waller read **Bill No. 2516 for the second time.** Roll call vote: Borgelt, yes; Lang, yes; Hohmeier, yes; Moritz, yes; Amato, no; Freese, yes; Kownacki, yes; Moss, yes; 7 yeas; 1 nay, **Ordinance passed.**

Mayor recognized and thanked staff and council for all the hard work involved in the budget process. He also thanked the committee.

RESOLUTIONS

RESOLUTION NO. 12-45 – A RESOLUTION WAIVING TRASH COLLECTION FEES was discussed.

Many council members commented on the subject.

Sandra Kownacki asked for background regarding “free trash”. Since she has learned we have an ordinance that allows city to charge she admitted she was confused and asked for more information.

Chief offered clarification, stating our ordinances allow city to charge for trash service. However, in the past, council has voted to not charge for specific times.

Mr. Amato shared that in the late 70’s, a 1-cent sales tax was voted in. He thought that in the 90’s residents voted to have the city handle the trash contract. As sales tax money came in, there was money to pay so in 2001 council voted to waive the collection fees. He also added this is for residential trash service, not commercial.

Doris shared dates that in 1978 city stickers were eliminated when the sales tax went into effect. Then in 1990 the residents overwhelmingly voted to pay for their trash service by allowing the city to choose the hauler and pay the fees. She did not want to go against their wishes.

Paul Freese questioned the Treasurer as to money in our reserves. Treasurer confirmed city has about \$8,000,000.00 in reserves Mr. Freese then stated the city has money and shared some of the things tax dollars are being spent on, adding our city is in strong financial shape. He feels residents appreciate this. Our ordinances require 34% held in fund reserves and we are well within that. He referred to this as a “rebate” for our residents.

Michelle Hohmeier questioned the ordinance where people voted to allow city to charge and did not want to go against the people’s voice. She asked what had happened in 2003, as that was the most recent amendment to the trash fee ordinance.

Ms. Waller offered she thought it had something to do with recycling as that was about the time recycling was increasing in popularity and the city was introducing it.

Doris Borgelt felt there were other pressing problems in the city that need to be addressed, adding the money spent by city to pay trash service, could be used for those purposes.

Mr. Amato disagreed with Ms. Borgelt on the city stickers comment. He added that he felt the city sales tax is paid by residents from other areas; our residents only pay some of this. Let's vote it up or down and called for the vote.

Ken Moss said since this is discussed every year, asked attorney to clarify the voting records. He asked if we could ask the people to vote on this. He had been advised; city cannot take this to a ballot.

Attorney provided background of trash legislation.

He indicated city couldn't put this issue to a vote of the people. He felt the Hancock Amendment was fairly new when they did this years ago. He does not feel this is a tax, but a fee for service. As elected officials, council must now make the decision on whether or not to charge for the service. Simply stated, if you want to provide the trash and not bill residents for it, vote "YES". If you don't, then vote "NO".

Doris Borgelt remarked this "free trash" was a political ploy to purchase votes.

Mayor added both sides on this issue are admirable. He then shared he was at City Hall when Ameren held their hearings to increase rates. He observed many residents voicing how they just could not afford any more increases. Many are impacted with the tough economic times and it would be a benefit for our constituents to not have to pay for trash service out of their own pocket.

City Clerk Diane Waller read Resolution No. 12-45. Paul Freese offered a motion and he so moved **to accept Resolution No. 12-45**. Seconded by Phil Amato. Roll call vote: Borgelt, no; Lang, no; Hohmeier, yes; Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; 6 yeas, 2 nays; **Resolution passed**.

MOTIONS

A MOTION TO award the bid for the materials and labor for the paving of a parking lot in Arnold City Park to E. Meier Contracting in the amount of \$26,935.75 being the best and lowest bid.

Bill Moritz offered a motion and he so moved. Seconded by Paul Freese.

Ms. Hohmeier questioned if this would withstand flooding etc. Ms. Boone assured her and said it should last for many years to come.

Roll call vote: Borgelt, yes; Lang, yes; Hohmeier, yes; Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; 8 yeas, **motion carried**.

A MOTION TO HOLD A CLOSED SESSION IMMEDIATELY FOLLOWING THE CITY COUNCIL MEETING FOR THE PURPOSE OF DISCUSSING LITIGATION AND REAL ESTATE PURSUANT TO RSMo SECTION 610.021 (1), AND (2) was offered by Bill Moritz. Seconded by Sandra Kownacki. Roll call vote: Borgelt, yes; Lang, yes; Hohmeier, yes; Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; 8 yeas, motion carried.

NEW BUSINESS

Bill Moritz shared that he had attended the Planning and Zoning Meeting and heard the residents explain they are fearful of the proposed 911 cell tower. He saw some photographs that told it all and could have helped that evening to reassure folks if they could have seen it on the screen. He felt if we had the new technology, we should be using it as it could have been very beneficial that evening.

Michelle Hohmeier reported she would be visiting on site in St. John's Crossing to view a storm sewer erosion issue. She questioned Mr. Baker regarding maintenance responsibility. He replied the responsibility depends on the location (homeowner property, right-of-way). He offered to look into it with Mr. Passig, of our Storm Water Department, if she provided information.

She also questioned who takes care of property in the right-of-way. When she learned it is the homeowner or occupants she questioned why they must maintain it. Mr. Baker explained we have an ordinance stating it is their responsibility.

OLD BUSINESS

Asked Mr. Baker for an update on Judy Drive. Mr. Baker indicated we are still moving forward.

Mr. Moss questioned attorney regarding the land for the Veteran's Memorial Park. He was advised this would be better discussed in closed session.

Ms. Kownacki reported on a situation involving trash reportedly being dropped off at a resident's home for pickup by a non-resident. Ms. Holden has investigated this and a letter has been sent to those involved. Chief advised we would enforce our ordinances if it is determined they are being broken. However, there is more to this situation.

Doris Borgelt asked about the status of the crack-sealing project. She was advised Ward 2 has been completed and the rest of the city street is out for bid.

COMMITTEE REPORTS

Treasurer Kroupa reported he had attended the Jefferson County Economic Development meeting. He feels Arnold is the driving economic force in the county.

REPORTS FROM MAYOR & COUNCIL

Mayor Ron Counts – Reported he would be compiling a search team to hire a new City Administrator. This should be on the September work session.

He attended the Water Color Villas grand opening and was impressed. The residents there are very happy and there is a waiting list. We may be able to have another development similar to this.

Ward 4 – Sandra Kownacki – No Report

Ward 4 - Ken Moss – Thanked Ms. Borgelt for calling him about something in his ward, then being in his ward and taking care of something there.

Ward 3 – Phil Amato – Complimented the Mayor for his part in getting Water Color Villas to build in Arnold. He related how safe our community is, has low crime as a result of our excellent police department and how this was a selling point in the decision for the location.

Ward 3 – Paul Freese – Reported Arnold missed out on getting the hospital here but maybe we should think about a professional building with CPAs, doctors etc.

Treasurer – Dan Kroupa – No report

Ward 2 – Bill Moritz – Referred to the recent float trip on Sunday and how it was enjoyable.

Ward 2 - Michelle Hohmeier – No Report

Regular Meeting
August 16, 2012

Ward 1 - Cricky Lang - Spoke highly of the Water Color Villas since she has a family member there. She indicated they all have a sense of community, look out for each other, are very happy, safe and she appreciates the work that went into getting Water Color Villas here. She also thanked everyone for their thoughts and prayers while she continues with her health issues.

Ward 1 – Doris Borgelt - Reported the float trip was “kinda cool”.

ADMINISTRATIVE REPORTS

Interim City Administrator/Chief Shockey – No report

City Clerk Diane Waller – No report

Susie Boone – reported the old Ziegler property has been cleaned up. Plans are being finalized for the 9-11 Memorial, which begins at 8:15 that morning.

Mary Holden – Reported the P & Z meeting had much discussion regarding the 911-cell tower. The item was tabled. She also reported the city has submitted their Comprehensive Plan for consideration of an award.

Bryson Baker – No Report

Attorney Bob Sweeney – No report.

Deb Lewis – No Report.

Greg Hall – No Report.

Mayor announced a recess at 8:03 pm and then council will go into closed session.


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Closed session ended at 9:10 pm.

A motion was offered by Paul Freese to adjourn the meeting. Seconded by Michelle Hohmeier.

Voice Vote: all yeas.

Meeting adjourned at 9:10 pm.


City Clerk Diane Waller

CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: REGULAR

DATE: 8/16/2012

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BILL NO - RESOLUTION - MOTION

		ROLL CALL	APPROVE 8/2/12 MINUTES	APPROVE PAYROLL WARRANT NO. 1140	APPROVE GENERAL WARRANT NO. 5577	APPROVE BILL NO. 2516	APPROVE RESOLUTION NO. 12-45
COUNCIL MEMBERS:							
MAYOR	<u>RON COUNTS</u>	PRESENT					
COUNCIL:	<u>DORIS BORGELT</u>	PRESENT	YES	YES	NO	YES	NO
COUNCIL:	<u>CRICKY LANG</u>	PRESENT	YES	YES	YES	YES	NO
COUNCIL:	<u>MICHELLE HOHMEIER</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	NO	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>	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: 8/16/2012

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BILL NO - RESOLUTION - MOTION

COUNCIL MEMBERS:

MAYOR RON COUNTS

COUNCIL: DORIS BORGELT

COUNCIL: CRICKY LANG

COUNCIL: MICHELLE HOHMEIER

COUNCIL: BILL MORITZ

COUNCIL: PHIL AMATO

COUNCIL: PAUL FREESE

COUNCIL: SANDRA KOWNACKI

COUNCIL: KEN MOSS

**INTERIM
ADMINIS
TRATOR/
CHIEF OF
POLICE**

BOB SHOCKEY

CITY CLERK:

DIANE WALLER

COM DEV DIR:

MARY HOLDEN

FINANCE DIR:

DEBORAH LEWIS

CITY COUNSELOR

BOB SWEENEY

MOTION TO AWARD BID TO E.MEIER CONTRACTING	MOTION TO HOLD CLOSED SESSION MEETING				
YES	YES				
YES	YES				
YES	YES				
YES	YES				
YES	YES				
YES	YES				
YES	YES				
YES	YES				

PARKS DIR:

SUSIE BOONE

PUBLIC WORKS:

BRYSON BAKER

TREASURER:

DAN KROUPA

DIR. OF ADMIN.

GREG HALL