

# City of Arnold, Missouri

---

**Public Hearing  
Council Chambers**

**December 20, 2012  
7:00 p.m.**

A. 2012-39, Minor Record Plat, 1110 Big Bill Road (Applebee's).

---

**Council Meeting**

**Immediately Following the Public Hearing**

## Agenda

1. Pledge of Allegiance:
2. Opening Prayer: First Baptist Church of Arnold - Rev. Jim Rice
3. Roll Call:
4. Acceptance of Minutes: **December 6, 2012**
5. Acceptance of Warrants: **Payroll Warrant #1149 - General Warrant #5585**
6. Business From the Floor:
7. Ordinances:
  - A. **Bill No. 2532:** An Ordinance Approving a Record Plat Titled Arnold Connector Road, Located in the City of Arnold, Jefferson County, Missouri.
  - B. **Bill No. 2533:** An Ordinance Approving an Exception to Chapter 17 Article XI for Certain Products (Zephrex – D).
8. Resolutions:

**Resolution 12-64:** A Resolution Adopting a New Pay Plan in Compliance with the State of Missouri Minimum Wage Law.
9. Motions:
  - A. A Motion to Release the legal opinion for the 911 Tower.
  - B. A Motion to Authorize Staff to Begin Contract Negotiations with Hurst-Roche Engineers, Inc. to Provide Professional Engineering Service for the Melody Lane Improvement Project for the City of Arnold.
  - C. A Motion to Hold a Closed Session Immediately Following the City Council Meeting for the Purpose of Discussing Personnel Pursuant to RSMo Section 610.02 (3).

10. New Business:
11. Old Business:
12. Committee Reports:
13. Reports from Mayor and Council:
14. Administrative Reports:
  - A. 2012-41 Conditional Use Permit for Rent to Own Auto Center, 1204 Jeffco Blvd., Randy Blount.
15. Adjournment

**Next Regular Council Meeting January 3, 2013 at 7:00 p.m.**  
**Next Work Session Meeting January 10, 2013 at 7:00 p.m.**

December 14, 2012  
Z:\CITYDOCS\AGENDA\COUNCIL\2012 Agenda\20121220.doc

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

The Pledge of Allegiance was recited.

Rev. Jim Rice from the First Baptist Church of Arnold offered the opening prayer.

Mayor asked everyone to remain standing for a moment of silence for the young children and their families in Connecticut.

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

**ACCEPTANCE OF MINUTES:**

Before the minutes of the December 16<sup>th</sup> meeting were offered for approval, City Clerk Diane Waller made all aware that the motion approving the M & M golf cart for \$1639.25 was actually different than the contract presented. She wanted everyone to be aware of this. Susie Boone explained how the amount approved at the last meeting was for this budget year only and the contract included an extra month at \$327.85, thus yearly contract \$1967.10.

Mrs. Hohmeier also noted that on that particular motion, the vote tally was stated incorrectly. (The roll call sheet and vote were correct but a scrivener's error showed 7 years when it was 6 years, 1 nay.) Diane stated this would be corrected.

Mr. Freese added he would like to see the discussion between him and Doris Borgelt included in the minutes. She had questioned why the appointment for P & Z came from a different ward, Ward 2. Mayor explained it was an at-large appointment. Mr. Freese responded she had her chance to have someone from Ward 1 and he wanted that added to the minutes.

Ms. Waller acknowledged these statements would also be added to the minutes.

**Bill Moritz made a motion and moved to accept the minutes (with the 3 amendments) for the December 6, 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 #1149. Doris Borgelt made **a motion and moved to pay Payroll Warrant #1149 in the amount of \$244,510.63** if the monies are available. Seconded by Bill Moritz. 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 #5585. Cricky Lang made **a motion and moved to pay General Warrant #5585 in the amount of \$1,244,879.21** if funds are available. Seconded by Ken Moss. Roll call vote: Borgelt, yes; Lang, yes; Hohmeier, yes; Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, 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.

**Bob Plunkert**, 110 S. 4<sup>th</sup> Street, St. Louis, identified himself as counsel for Definition Holdings. He referred to an issue involving Doris Borgelt where she has approached the owner and customers of Definition Holdings. He shared some of the things she has done and he feels she is harassing them. His client has complied with the law and Ms. Borgelt's trespassing and other action is not acceptable and wants it resolved and stopped right now without further action.

Mr. Moritz asked if Ms. Borgelt had anything to say.

She said she wanted to know when these instances occurred.

Mr. Plunkert responded he had a sunshine request for some e-mails and there were several dates of these occurrences. He would check the record.

Ms. Borgelt would like him to do that.

Mr. Moritz questioned Ms. Holden regarding this operation.

Ms. Holden acknowledged she had spoke with Ms. Borgelt.

Ms. Borgelt acknowledged she had been on the property and there was a parking issue with the cleaners next door.

Mayor responded we would get this resolved; this kind of behavior is not acceptable.

**Jason Fulbright**, 3443 Tenbrook, addressed some misunderstandings. He referred to a comment made at council meeting and provided clarification. He stated he is not the Mayor's campaign manager, never was and never will be. He also stated he is a resident of Ward 1 and that he had tendered his resignation with the Board of Adjustment and has not been involved with them since he tendered his resignation.

**Bob Hohmeier**, 3569 Swan Circle South, indicated he attended the work session last week and felt the attorney Vatterortt made a glaring error regarding the HSA mandate on the towers. He stated there is a mandate for narrow band communication but doesn't say how it is done. He referred to other communities who have met the mandate with their equipment.

## **ORDINANCES**

Mr. Amato stated if this ordinance passes, there is no liability for payment since this hasn't been worked out yet. He wanted this in **THE RECORD**.

**BILL NO. 2532 – AN ORDINANCE APPROVING A RECORD PLAT TITLED ARNOLD CONNECTOR ROAD, LOCATED IN THE CITY OF ARNOLD, JEFFERSON COUNTY, MISSOURI** was read twice by City Clerk Diane Waller.

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

**BILL NO. 2533 – AN ORDINANCE AMENDING CHAPTER 17, ARTICLE XI, SECTION 17-173 OF THE CODE OF ORDINANCES** was read twice by City Clerk Diane Waller. Roll call vote: Borgelt, yes; Lang, yes; Hohmeier, yes; Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; 8 yeas, **Ordinance passed**.

## **RESOLUTIONS**

**RESOLUTION NO. 12-64 – A RESOLUTION ADOPTING A NEW PAY PLAN IN COMPLIANCE WITH THE STATE OF MISSOURI MINIMUM WAGE LAW.**

Bill Moritz offered a motion and so moved. Seconded by Michelle Hohmeier. Roll call vote: Borgelt, yes; Lang, yes; Hohmeier, yes; Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; 8 yeas, **Resolution passed**.

## **MOTIONS**

**A MOTION TO RELEASE THE LEGAL OPINION FOR THE 911 TOWER**

Bill Moritz offered a motion and so moved. 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**.

**A MOTION TO AUTHORIZE STAFF TO BEGIN CONTRACT NEGOTIATIONS WITH HURST-ROCHE ENGINEERS INC. TO PROVIDE PROFESSIONAL ENGINEERING SERVICE FOR THE MELODY LANE IMPROVEMENT PROJECT FOR THE CITY OF ARNOLD.**

Ken Moss offered a motion and so moved. Seconded by Doris Borgelt. 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 PERSONNEL PURSUANT TO RSMo SECTION 610.02 (3)**

Michelle Hohmeier offered a motion and so moved. Seconded by Paul Freese.

Mr. Moritz commented that he didn't feel this was necessary, if it had to do with the vehicle. He didn't feel it was a closed session issue.

Attorney advised it would probably fall into the category of personnel and the authority of the staff to give or take certain benefits or salary issues.

Mr. Moss asked for confirmation that this is all that is on the closed session agenda. He was advised yes.

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

**NEW BUSINESS**

Paul Freese reported he had read where Granite City had adopted a new ordinance regarding scrap metal, which is now a growing problem in many communities due to theft. He has obtained some of the ordinances and would like the city attorney to look into this to see if we could do something similar. Mayor advised we could have this on the work session in January.

Bill Moritz referred to the naming of the two connector roads by the CVS project, Applebee's Connector Road and East Arnold Connector Road. He asked that city consider naming one of these "Wilson" after Mr. Williams's grandson, the former owner of the original property.

5  
Regular Meeting  
December 20, 2012

Doris Borgelt offered a **motion to have verbatim transcriptions of the meetings.**  
Seconded by Sandra Kownacki.

Discussion followed.

City Clerk advised that Robert's Rules of Order indicate minutes are the record of the action taken, not necessarily every word that is spoken.

Mr. Moritz indicated this would need a budget adjustment to have a transcriber sit down and do this.

Mr. Amato also felt this would require a transcriber.

Attorney advised there would be considerable cost and the transcriber would own the transcript. This would have to be addressed in the budget.

Attorney added our ordinance requires we follow Robert's Rules so we would be in violation. She advised this is not in the best interest of the city.

Ms. Borgelt shared doctor's offices do this all the time.

Sandra Kownacki feels this is necessary in order to get the minutes accurate. She feels we have too many discrepancies and the minutes have not been accurate.

Mr. Freese reminded everyone the meetings are video taped, we can go back and review.  
Mr. Moritz agreed.

Roll call vote: Borgelt, yes; Lang, no; Hohmeier, no; Moritz, no; Amato, no; Freese, no; Kownacki, yes; Moss, no; 2 yeas, 6 nays, **Motion failed.**

Doris Borgelt offered a **motion that any new Department heads that are hired, must live in the City of Arnold.**

Discussion followed.

Mr. Amato felt this was out of order – this is expending money and it is not on the agenda.

Attorney advised this would need to appear on an agenda.

Mr. Moss confirmed the intent was "all new hires".

6  
Regular Meeting  
December 20, 2012

Mr. Moritz stated this would reduce the pool of eligible candidates and would not support this.

Mr. Freese suggested tabling and discuss at work session.

Mrs. Hohmeier also felt this should be discussed further.

Ms. Borgelt was okay with this and **withdrew her motion.**

Doris Borgelt made **a motion to have credit card invoices on line.**

Again, attorney advised this involves spending money and is not on the agenda.

Mrs. Hohmeier disagreed and shared that she and Mr. Moss had spoke to Deb Lewis about this being on the web page already under Finance.

Deborah Lewis said she talked and suggested she could e-mail to council.

Paul Freese stated this does involve money, as someone needs to be paid to do this.

Ken Moss stressed this is public information and feels it should be available. He had met with Ms. Lewis to discuss this to make it more readily available.

Mayor suggested taking to a work session for more discussion.

Ms. Borgelt **withdrew her motion.**

Mr. Amato complimented Jeanette Yount for doing a great job as she guards the city's money, as if it was hers. If your P.O. s are not perfect, you don't get city money. Chief agreed she does a great job.

Mr. Moss still felt this is public money being spent and these records need to be available for review. He did not mean to reflect on an employee.

Mr. Moritz agreed, this could go to a work session.

Ms. Kownacki reported a resident has asked again about the Key West sewage situation.

Chief advised city has exhausted all our sources and there is nothing we can do to help at this time.

Ms. Kownacki wanted to know who's fault this was and Chief would not speculate.



Mr. Hall reported he had made contacts, DNR, SEMA but had nothing.

Ms. Kownacki also asked about the possible taxidermy business operating in her ward. She has received another complaint indicating people coming to the home and throwing debris in the creek.

Ms. Holden advised they were issued an in-home occupation license; they were advised of what was allowed and agreed to be compliant. Ms. Holden will contact them and advise of complaints. She also confirmed, after investigation, there was no carcass or debris found in the creek.

Mr. Moss again asked about the timeline for the money spent with the CVS project.

Chief acknowledged he would see what we have and provide that. He felt he had already provided what the city had.

Paul Freese brought up a tough situation the council has been dealing with - the Moss investigation.

He felt city needed do one of three things – 1) do nothing – which isn't necessarily right, 2) call for impeachment - but added that is not our job, but that of the citizens in the next election or 3) censure - with conditions and provisions.

He stated this has been very intense for everyone, staff, council, and Mr. Moss. The investigation indicated things have happened.

He would like to see a motion at the next meeting, first week in January, to discuss what type of discipline and he was in favor of censure. **He offered this as a motion, later withdrawn.**

**Bill Moritz offered a motion to accept the finding of the investigation and so moved. Seconded by Paul Freese.**

Ms. Borgelt indicated she read the report and expressed her opinion of the investigation stating it had a lot of hearsay. Anything discussed was not Title VII. She felt there were many questions about her, Ms. Kownacki, and Becky Moss and they were not the subject of this investigation. She proposed the investigation was a sham.

Mayor disagreed and felt the investigation was done correctly. We have an obligation to our staff.

Mr. Moss thought the investigation started because of a formal complaint with the Missouri Commission on Human Rights and city individuals called the insurance company and city was advised to do an investigation. He has not seen a copy of that complaint. He feels this is a mess and this is all ridiculous.

Ms. Kownacki agreed with Mr. Moss and went on to say she didn't feel the investigation was done correctly nor was it done fair. She felt the investigator led the people to give answers that he wanted. She felt her integrity was questioned and it was her opinion, there were many discrepancies, and it was one-sided. She said the man lied, told us he didn't know anyone but she found out he worked with Nick Mc Broom and he knew Bob Shockey.

Mr. Moritz stated all he was calling for is a vote to accept the record, let people see what's going on. **He called the motion.**

Chief wanted to clear the record stating "I feel that this has drug me into something that is going to lead down a path of what I have to do but I want it **on the record** I have no affiliation with Mr. Garrison, whatsoever. I got his name from Chief Finch from St. Louis County. The first time we met, he did a polygraph about 2 weeks before we did the investigation. I want to make that very clear and I want that **on the record** please. I want it in the minutes. I also want to make it very clear that Ms. Boone came to me on September 15<sup>th</sup>, I believe it was the Friday before Arnold days, and made the complaint to me, prior to anything, any mention of Missouri Human Rights. I contacted our Insurance Company, prior to any mention of the complaint with the Missouri Human Rights Commission. They were the ones who said we should do the investigation and I want that **on the record** too. This has become, in my book, retaliation and harassment towards me."

Mr. Moss questioned what date she came to him. Chief responded the Friday before Arnold Days.

Ms. Kownacki stated they were told there was a formal complaint filed.

Chief explained again that yes a formal complaint came to him and he had responsibility to act on it and follow-up.

Chief again clarified he has no affiliation with Mr. Garrison.

Councilman Moss and Councilwoman Kownacki were unclear as to the understanding of "formal complaint".

Chief again stated he had received the complaint, contacted the Insurance Company and was told to investigate. Insurance Company advised him. Chief asked this to be **on the record** so that his attorney can see it.

Mr. Moss asked chief if he was aware of any complaint.

**Mr. Moritz called the motion.**

City attorney advised that Mr. Moss should probably recuse himself from voting per our city ordinance and Roberts Rules of Order.

Mr. Moss stated he would not, as this is a Boone investigation not a Moss investigation.

Attorney advised he would be at risk if he voted.

A vote was taken on council accepting the investigative report: Roll call vote: Borgelt no; Lang, no; Hohmeier, no; Moritz, yes; Amato, yes; Freese, yes; Kownacki, no; Moss, no; 5 nay, 3 yeas, **motion failed**.

Ken Moss made a motion to **allow his attorney Chet Pleban to speak freely**. Seconded by Sandra Kownacki. Roll call vote: Borgelt, yes; Lang, yes; Hohmeier, yes; Moritz, no; Amato, yes; Freese, yes; Kownacki yes; Moss, yes; 7 yeas, 1 nay, **motion carried**.

Attorney Chet Pleban introduced himself, as representing Ken Moss and provided background. He commented that remarks were made to the media prior to the investigation. He questioned if the council knew that the independent investigator hired by the city owed \$57,000 to the state for back taxes as of June 11, 2010. He commented about his and Moss's participation in the investigation and the complaint reportedly filed with the Mo Commission on Human Rights. Mr. Pleban stated Mr. Owens could find no complaint filed with them. He has a tape, which he offered, of his questioning and responses from the investigator. He thought the timing of all this was related to Becky Moss wanting a personnel hearing. He also questioned that the investigation was completed, yet the cost of this independent investigation has not shown up on the warrant yet and questioned why.

Mr. Pleban indicated he had sent letters to the Mayor so they could meet and ask questions. He posed questions and made allegations towards the mayor and words were exchanged between the two.

City Attorney interjected this is not the proper discovery process to go thru. She said if Mr. Pleban wants to get a disposition or file a lawsuit, he could set this up but this is not the proper forum. She advised him that at this time he could only address the council pertaining to Mr. Moss.

The Mayor advised Mr. Pleban he was done and he was asked to take a seat.

Chief also wanted **to make the record straight and wanted it in the minutes.** “I never commented to the press – I believe when Ms. Robinson called me I said this is a personnel issue and I have no comment. So please put this in the minutes please. This is just more continued harassment of my participation in this investigation.”

**FOR THE RECORD** Bill Moritz, stated, “ These things were said to me. I know they took place. I’m not going to sit up here and not defend a city employee. There was a pattern of behavior that was exhibited. She made a complaint to her supervisor, as she should have done. It was brought to us and they said they were going to do an investigation so they did so. So now, what we got here is the investigation whether you like the format of it or not. Fact of the matter was an employee made a credible statement saying that she had been harassed. We did an investigation and it doesn’t matter if you like the outcome of it or not, Mr. Moss, Ms. Kownacki. It doesn’t matter. Fact of the matter is I will always vote in favor of making sure somebody’s rights are upheld. I invited members of the city staff to come here today to see that you’ve got their back. I don’t see that you do. (Attempt to interrupt) My time. Fact of the matter is I don’t think that’s happened. We have 5 city councilmen up here and one should have recused himself; there’s going to be more trouble on that. Fact of the matter is you guys don’t have their back. What kind of message are you sending out? I want to do one more thing. I want to make a motion that we take off some of the items that were on the September 20<sup>th</sup> closed session minutes, 1 for real estate, 1 for personnel. But I want every bit of the minutes that apply to this issue brought out because there are three important pieces of information that everyone in this room and everybody in this city needs to know about and I am **making that motion.** I think what happened tonight was shameful.”

Ms. Kownacki interrupted

Motion seconded by Paul Freese.

Ms. Kownacki said she felt Susie Boone has every right if she was wronged or discriminated. She also stated she supports Susie. She doesn’t support the way this was done.

Mr. Amato questioned if this would be legal - making this portion of that closed meeting open to the public.

Attorney advised the privilege belongs to Ms. Boone. If she waives that, privilege, those records can be made public.

Chief recommended **the motion be amended to include releasing that portion of the minutes, provided Ms. Boone provides the waiver after she confers with her attorney.** Bill Moritz **amended motion to include this.** **Second also amended by Paul Freese.**

Roll call vote: Borgelt, yes; Lang, yes; Hohmeier, yes; Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, abstain; 7 yeas, 1 abstention, **motion carried.**

### **COMMITTEE REPORT**

Ms. Kownacki reported she understood there had been a liquor committee meeting while she was on vacation and since she was the Chair she was concerned that she was not notified. She asked Mr. Moritz to report. He explained the meeting took place during the last council meeting.

Diane added that a situation had come up where time was of the essence. The application was received too late to call for a committee meeting. Diane also added both applicants were very appreciative to the way the city handled this and have since thanked us.

Ms. Kownacki, as Liquor chair, expressed she still felt she had a right to be notified and she knew nothing about this. Mayor advised her to read the minutes of the last meeting.

Mr. Moss asked if the Police Pension Board could meet and Chief advised we usually have one meeting a year and that could be set up.

Dan Kroupa shared he and Dan Bish had attended the Jefferson County Economic development meeting. He had scanned and sent informational handouts to everyone on council. He also mentioned that again the city sales tax is up when Jefferson County is down.

### **REPORTS FROM MAYOR & COUNCIL**

**Mayor Ron Counts** – Mayor announced he has appointed an Administrative Search Committee to meet in January. It will consist of Cricky Lang, Phil Amato, Chief Shockey, John Brazeal, and Dan Kroupa. He wished all council members and their families a Merry Christmas.

**Ward 4 – Sandra Kownacki** – No report

**Ward 4 - Ken Moss** – Directed his comments at Bill Moritz. Mr. Moss stated he took a little offense when Mr. Moritz stated earlier the comments about backing employees.

12  
Regular Meeting  
December 20, 2012

Mr. Moss said he has always and will always support employees. This is a situation going on and didn't feel it was right to say. He also wished everyone a Merry Christmas and Happy New Year.

**Ward 3 – Phil Amato** – Thanked the Mayor for attending the Food Pantry dedication of their new building. He also thanked Bill Moritz and family for their financial commitment and thanked the chief for the things he had done.

**Ward 3 – Paul Freese** – Recognized Bryson Baker for the awesome job with the Jere Lane storm water project. He praised Councilman Amato for his time, effort and passion for the Food Pantry. Wished all a Merry Christmas and Happy New Year.

**Ward 2 – Bill Moritz** – Acknowledged Phil Amato, describing him as either hated or loved; but with a heart of gold, big as this room. He gets things done and shared some of the things Phil was able to do to make the Food Pantry a reality. He contacted labor unions and because of their generosity, money and talent, this project was completed with huge savings. This was followed with a round of applause.

**Ward 2 - Michelle Hohmeier** – Stated she supports the heads of the departments in this city and what is going on is an isolated incident. Wished all a Merry Christmas.

**Ward 1 - Cricky Lang** – Wished all a Merry Christmas and safe holiday.

**Ward 1 – Doris Borgelt** – Wished all a Merry Christmas and Happy New Year.

## **ADMINISTRATIVE REPORTS**

**Chief Robert Shockey** – Announced he would be taking some vacation time next week and has made Mary Holden in charge while he is gone. He will be here a short time one morning next week for a legislative meeting.

He also requested a copy of the newspaper article from the Leader where he made no comment. Chief wished everyone a Happy New Year and a Merry Christmas.

He reported Bryson Baker has resigned and will be with us thru January 17<sup>th</sup>. Chief has posted an ad for his replacement. He is recommending Christie Hull- Bettale cover in the interim. He would like to see a pay increase for her for about 30 days to match what Mr. Baker was making. He hopes to have someone on board by mid February.

Mr. Amato felt this was out of order and this should be discussed in closed session.

Attorney advised raising her salary could be brought up in open session as it involves spending money. Chief has the authority for appointing her but council has the authority when it involves pay increases.

A decision was made to discuss salary adjustment in closed session at a later time in January.

Doris Borgelt questioned if the city needs to have a licensed professional engineer in that position, as that is how she understands our ordinances.

Chief disagreed and referred to Deb Lewis who clarified the job description says they need a degree and professional engineer is preferred but it is not a requirement.

Mr. Freese stated city has had Public Works Directors in the past that were not engineers.

Mr. Moritz would ultimately like to see this position filled with a licensed professional engineer.

Ms. Borgelt disagreed with the interpretation and quoted part of the ordinance.

**City Clerk Diane Waller** – Wished everyone a Happy New Year and Merry Christmas. She shared a conversation she had with Allied Waste today. They are hoping to be more efficient by having all pickups automated. They would like to discontinue the use of the older, small recycling buckets and replace them with smaller wheeled totes. This should be easier for the elderly residents to handle than what we now have. There would be no cost to the city; they just want your input before they begin. They also have offered to drop of a sample for all to see and evaluate.

Ms. Hohmeier suggested that rather than city looking at this, have the elderly take a look at it. She also felt it would be nice to see this for all trash, not just recycling. Ms. Waller will contact Allied to see what can be worked out.

**Susie Boone** – Wished all a Merry Christmas, and Happy holidays.

**Mary Holden** – Wished all a Merry Christmas and Happy Holidays. She referred to the Administrative Report regarding Rent to Own at 1204 Jeffco. P & Z had recommended approval with conditions in staff report.

Discussion followed.

Mr. Moritz asked what have they done to the property and Ms. Holden responded they have cleaned it up. **Moritz offered a motion to have council review. This motion was withdrawn.**



Ms. Borgelt questioned the grandfather clause and was advised by Mary Holden the property had sat vacant 60 days so it does not apply.

Mr. Amato expressed concern that had been expressed to him by his constituents adjoining this property, many of them in the audience tonight. Phil Amato **offered a motion for city council to do a complete review, hold a public hearing, including notifying residents.** Seconded by Paul Freese. Roll call vote: Borgelt, no; Lang, yes; Hohmeier, no; Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, no; 5 yeas, 3 nays. **Motion carried.**

Mary Holden wished all a Merry Christmas and Happy New Year.

**Bryson Baker** – Wished all a Merry Christmas

**Attorney Sweeney** – Wished all a Merry Christmas

**Deb Lewis** – Wished all a Merry Christmas

**Greg Hall** – indicated Aging and Disability did not meet today. He added Tourism would meet January 9<sup>th</sup>. Wished all a Merry Christmas and Happy New Year.


Mayor announced a recess at 8:32 pm. so that council could have a brief recess and then go into closed session.

.....  
Closed session ended at 9:09 pm

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

Voice Vote: all yeas.

Meeting adjourned at 9:09 pm.

  
\_\_\_\_\_  
City Clerk Diane Waller



CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: REGULAR

DATE: 12/20/2012

PAGE: 1

BILL NO - RESOLUTION - MOTION

		ROLL CALL	ACCEPT AMENDED 12/6/2012 MINUTES	ACCEPT PAYROLL WARRANT NO. 1149	ACCEPT GENERAL WARRANT NO. 5585	ACCEPT BILL NO. 2532	ACCEPT BILL NO. 2533	
<b>COUNCIL MEMBERS:</b>								
MAYOR	RON COUNTS	PRESENT						
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	
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	
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	ALLISON SWEENEY	PRESENT						

CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: REGULAR

DATE: 12/20/2012

PAGE: 2

BILL NO - RESOLUTION - MOTION

		ACCEPT RESOLUTION NO. 12-64	MOTION TO RELEASE LEGAL OPINION FOR 911 TOWER	MOTION TO BEGIN CONTRACT NEGOTIATIONS WITH HURST- ROCHE ENGINEERS	MOTION TO HOLD CLOSED SESSION	MOTION FOR VERBATIM TRANSCRIPTIONS	MOTION FOR COUNCIL TO ACCEPT INVESTIGATIVE REPORT
<b>COUNCIL MEMBERS:</b>							
<b>MAYOR</b> RON COUNTS							
<b>COUNCIL:</b> DORIS BORGELT		YES	YES	YES	YES	YES	NO
<b>COUNCIL:</b> CRICKY LANG		YES	YES	YES	YES	NO	NO
<b>COUNCIL:</b> MICHELLE HOHMEIER		YES	YES	YES	YES	NO	NO
<b>COUNCIL:</b> BILL MORITZ		YES	YES	YES	NO	NO	YES
<b>COUNCIL:</b> PHIL AMATO		YES	YES	YES	YES	NO	YES
<b>COUNCIL:</b> PAUL FREESE		YES	YES	YES	YES	NO	YES
<b>COUNCIL:</b> SANDRA KOWNACKI		YES	YES	YES	YES	YES	NO
<b>COUNCIL:</b> KEN MOSS		YES	YES	YES	YES	NO	NO
<b>INTERIM ADMINIS TRATOR/ CHIEF OF POLICE</b>	BOB SHOCKEY						
<b>CITY CLERK:</b>	DIANE WALLER						
<b>COM DEV DIR:</b>	MARY HOLDEN						
<b>FINANCE DIR:</b>	DEBORAH LEWIS						
<b>CITY COUNSELOR</b>	J SWEENEY						
			<b>PARKS DIR:</b>			SUSIE BOONE	
			<b>PUBLIC WORKS:</b>			BRYSON BAKER	
			<b>TREASURER:</b>			DAN KROUPA	
			<b>DIR. OF ADMIN.</b>			GREG HALL	

CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: REGULAR

DATE: 12/20/2012

PAGE: 3

BILL NO - RESOLUTION - MOTION

		MOTION TO ALLOW KEN MOSS'S ATTORNEY TO SPEAK	MOTION TO RELEASE PORTION OF 9/20/12 CLOSED SESSION MINUTES WITH BOONE'S APPROVAL	MOTION FOR COUNCIL REVIEW CONDITIONAL USE PERMIT 1204 JEFFCO			
<b>COUNCIL MEMBERS:</b>							
<b>MAYOR</b>	RON COUNTS						
<b>COUNCIL:</b>	DORIS BORGELT	YES	YES	NO			
<b>COUNCIL:</b>	CRICKY LANG	YES	YES	YES			
<b>COUNCIL:</b>	MICHELLE HOHMEIER	YES	YES	NO			
<b>COUNCIL:</b>	BILL MORITZ	NO	YES	YES			
<b>COUNCIL:</b>	PHIL AMATO	YES	YES	YES			
<b>COUNCIL:</b>	PAUL FREESE	YES	YES	YES			
<b>COUNCIL:</b>	SANDRA KOWNACKI	YES	YES	YES			
<b>COUNCIL:</b>	KEN MOSS	YES	ABSTAIN	NO			
<b>INTERIM ADMINIS TRATOR/ CHIEF OF POLICE</b>	BOB SHOCKEY		<b>PARKS DIR:</b>	SUSIE BOONE			
<b>CITY CLERK:</b>	DIANE WALLER		<b>PUBLIC WORKS:</b>	BRYSON BAKER			
<b>COM DEV DIR:</b>	MARY HOLDEN		<b>TREASURER:</b>	DAN KROUPA			
<b>FINANCE DIR:</b>	DEBORAH LEWIS		<b>DIR. OF ADMIN.</b>	GREG HALL			
<b>CITY COUNSELOR</b>	SWEENEY						