

## City of Arnold, Missouri

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**Public Hearing  
Council Chambers**

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

- A. 2011-29/2011/30, Arnold Commons, Amendment to the C-4 Planned Commercial for Additional Square Footage.
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**Council Meeting**

**Immediately Following the Public Hearing**

### **Agenda**

1. Pledge of Allegiance:
2. Opening Prayer: Oasis Church – Mike Costello
3. Roll Call:
4. Acceptance Of Minutes: **February 2, 2012**
5. Acceptance Of Warrants: **Payroll Warrant #1127 - General Warrant #5565**
6. Business From the Floor:
7. Ordinances:
  - A. **Bill No. 2500:** An Ordinance Amending Bill NO. 2195, Ordinance No. 14.395 Which Rezoned a Tract of Land in the City of Arnold, Missouri, Identified as Arnold Commons Related to an Additional 15,000 Square Feet of Retail.
8. Resolutions:
  - A. **Resolution No. 12-10:** A Resolution of Official Intent of the City of Arnold, MO., Toward the Issuance of Industrial Revenue Bonds to Finance A Project for Metal Container Corporation and Authorizing Certain Actions Relating Thereto.
  - B. **Resolution No. 12-11:** A Resolution Authorizing the City to Vacate Certain Right-of-Way known as Uhlinger Lane.
9. Motion:
10. New Business:
  - A. 2011 Annual Audit Report – Hochschild, Bloom & Co., LLC.
11. Old Business:
12. Committee Reports:
13. Reports from Mayor and Council:
14. Administrative Reports:

15. Adjournment

**Next Regular Council Meeting March 1, 2012 at 7:00 p.m.**  
**Next Work Session Meeting March 8, 2012 at 7:00 p.m.**

February 13, 2012  
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Mayor Ron Counts called the meeting to order at 7:03 pm.

The Pledge of Allegiance was recited.

Mike Costello from the Oasis Church said the opening prayer.

Mr. Amato recognized Mr. Costello and the Oasis Church for all their activities involved in supporting the Arnold Food Pantry.

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

#### **ACCEPTANCE OF MINUTES:**

Ken Moss moved **to accept the minutes of the February 2, 2012 meeting** if there were no deletions, errors or corrections. Sandra Kownacki seconded the motion. Roll call vote: Amato, yes; Freese (excused) Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; Fitter (excused); Moritz, yes; 6 yeas: **Motion carried.**

#### **ACCEPTANCE OF WARRANTS:**

City Clerk Diane Waller read Payroll Warrant #1127. Bill Moritz made a motion and moved **to pay Payroll Warrant #1127 in the amount of \$236,368.58** if the monies are available. Seconded by Doris Borgelt. Roll call vote: Amato, yes; Freese (excused); Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; Fitter (excused); Moritz, yes; 6 yeas: **Motion carried.**

City Clerk Diane Waller read General Warrant #5565. Doris Borgelt **moved to pay General Warrant #5565 in the amount of \$749,601.35** if the monies are available. Seconded by Cricky Lang. Roll call vote: Amato, yes; Freese (excused); Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; Fitter (excused); Moritz, yes; 6 yeas: **Motion carried.**

#### **BUSINESS FROM THE FLOOR**

Mayor explained the procedure to speak and the need to provide speaker cards.

**Lloyd Rodgers**, 861 Morningside, expressed concerns for the intersection at Jeffco and Tenbrook. He stated he knows this is MoDot controlled but questioned why no crosswalk identification is there. Mayor advised we would look into this.

**Roger Hotop**, 774 Sur Vista, shared his frustration and concern as the city nor the city's insurance company will take financial responsibility for the backup of raw sewerage in his home. He provided photos and other documents for review.

Mayor asked for **a motion to amend the agenda to move New Business Item 10 A to this portion of the meeting.** This would allow the audit report to be presented now. A motion was offered by Bill Moritz to amend agenda as requested by the Mayor. Seconded by Phil Amato. Roll call vote: Amato, yes; Freese (excused); Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; Fitter, (excused), Moritz, yes; **motion carried.**

Tammi Alsop, a partner with Hochschild, Bloom & Co. LLC shared the highlights in the audit. Again, stated city has received the highest rating.

Doris Borgelt left the council chambers at 7:21 and returned at 7:24.

#### **ORDINANCES:**

**BILL NO. 2500 - AN ORDINANCE AMENDING BILL NO. 2195, ORDINANCE NO. 14.395, WHICH REZONED A TRACT OF LAND IN THE CITY OF ARNOLD, MISSOURI, IDENTIFIED AS ARNOLD COMMONS, IN ORDER TO PROVIDE FOR AN ADDITIONAL 15,000 SQUARE FEET OF PERMISSIBLE RETAIL SPACE** was read twice by City Clerk Diane Waller. Roll call vote: Amato, yes; Freese, (excused); Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; Fitter (excused); Moritz, yes; 6 yeas, Ordinance passed.

#### **RESOLUTIONS**

**RESOLUTION NO. 12-10 A RESOLUTION OF OFFICIAL INTENT OF THE CITY OF ARNOLD, MO. TOWARD THE ISSUANCE OF INDUSTRIAL REVENUE BONDS TO FINANCE A PROJECT FOR METAL CONTAINER CORPORATION AND AUTHORIZING CERTAIN ACTIONS RELATING THERETO** was read by City Clerk Diane Waller. Bill Moritz offered a motion to approve and so moved. Seconded by Cricky Lang. Roll call vote: Amato, yes; Freese (excused); Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; Fitter (excused); Moritz, yes; 6 yeas **Resolution passed.**

Councilman Amato acknowledged the Plant Manager from Metal Container was present tonight and shared with him it would be nice if the Anheuser Busch Clydesdales could participate in Arnold's upcoming 40<sup>th</sup> birthday celebration in September.

**RESOLUTION NO. 12-11 AUTHORIZING THE CITY TO VACATE CERTAIN RIGHT-OF-WAY KNOWN AS UHLINGER LANE** was read by City Clerk Diane Waller. Bill Moritz offered a motion to approve and so moved. Seconded by Ken Moss. Roll call vote: Amato, yes; Freese (excused); Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; Moritz, yes; Fitter (excused); 6 yeas, **Resolution passed.**

#### **MOTION**

None

#### **NEW BUSINESS**

Councilman Moritz asked for more information regarding Mr. Hotop's sewer situation. He wanted to make sure city was doing what it could and wanted to know the process for determining how claims are processed and how they are denied.

Mayor advised staff is looking into this complaint and city will be fair.

Bill Moritz would like this to go to a work session so acceptance or denial of claims can be discussed.

Mr. Kroupa referred to last week's work session. He read from a prepared statement: *"Tonight I would like to speak to the topic of the Rec Center bond refinancing. It is obviously a no-brainer to realize that it is in the city's best interest to refinance these bonds to a lower interest rate. What is less clear is how the proceeds of the refinancing should be used.*

*Eight or nine years ago the city decided to ask the residents if they wanted a ¼ cent sales tax to fund the construction of a recreation center at an estimated cost of \$12 million. Membership rates were established, based upon this \$12 million number. The residents said yes. Unfortunately, construction cost of the Rec center ballooned to an excess of \$16 million, an increase of over 25%. Upon completion, a decision had to be made to either hold the membership fees at the rates promised, or raise them to cover the increased cost of construction. It was decided to keep the rates as promised, which created, obviously, a shortfall in the level of revenue that was needed to run as an unsubsidised facility. The general fund has, over the years, had to lend the Rec Center money to help pay off the debt service of the \$16 million in bonds. Which had originally been estimated to be \$12 million. This has impacted the cash flow of the general fund between \$200,000 and \$250,000 a year. This is not a budgeted number, it's borrowing between funds.*

*The city is now offered an opportunity to lower annually the Rec center bond debt service a little over \$200,000 a year, which would come close to covering the amount of money that the general fund lends the Rec Center each year. It would also bring the debt service closer in line to what the original intent of the previous council was when it built the Rec Center. The original intent was to finance \$12 million, not the \$16 million that we currently have to service.*

*The other options that have been presented are not, in my opinion, either fiscally responsible, or in the best interest of the city and its residents, long term.*

*The second option of shortening the term of the bonds by two years does not address the current cash shortfall and is not advisable, in my opinion.*

*The third option, of keeping the current debt service levels, and taking the money upfront, keeps the general fund lending at \$250,000, annually to the Rec center, and is also not advisable.*

*As elected officials, we have a fiduciary responsibility to look at not only the short term needs of the residents, but the long term financial stability of the city, to ensure that the city has the financial wherewithal to meet the future needs of it's residents.*

*On a related note, I think we should bite the bullet and repay the \$500,000 that the general Fund borrowed from the sewer fund. Sewer rates need to be raised, in the not too distant future, and that will be hard for the residents to swallow, if the city owes money to the Sewer Fund. “*

Mr. Amato made the statement that, in most cases, Parks and Rec Centers do not make money but are subsidized. They are here for quality of life for the citizens. He offered a **motion to accept Mr. Kroupa's recommendations.** Seconded by Sandra Kownacki.

Attorney Sweeney advised he is uncomfortable with this motion as it had not been on the agenda and suggested a poll would be more appropriate.

Both Mr. Amato and Ms. Kownacki withdrew their motion and second.

A poll was then taken: 6 yeas.

Mr. Amato suggested another poll to transfer from General Fund to Sewer Fund to pay back the loan from buying the property adjoining the Rec center. Matt Unrein will direct staff to do a budget adjustment if poll is favorable. Poll: 6 yeas.

**OLD BUSINESS**

Bill Moritz referred to a resolution in '06 for loans for solar street lighting installation. The program has now expired but he would like a work session to discuss this subject. He also stated the cost has now probably gone down.

Doris Borgelt disagreed and stated she thought the cost of the solar lighting had increased, contrary to Mr. Moritz's comment.

Ms. Borgelt asked about some money she had thought the city had set aside for the Historical Society back when Mark Powell was the Mayor. Mr. Unrein indicated he did not recall this. Ms. Borgelt offered she would provide the video.

### **COMMITTEE REPORTS**

Cricky Lang reported on a recent Parks and Rec meeting where they voted to name the city park's boat ramp after Stream Team 211, in recognition for all they do for the city. She also mentioned they voted to use Greenway funds to clean up the trails and walkways.

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

**Mayor Counts** – No Report

**Ward 4 – Sandra Kownacki** – reported she had attended this week's legislative MML conference and it was beneficial.

**Ward 4 – Ken Moss** – No report

**Ward 3 – Phil Amato** – Commented on the mid-year budget review coming up and asked Bryson Baker for information on equipment that may need upgrading.

**Ward 2 – Bill Moritz** – Announced he too had attended the legislative conference and it was a learning experience. He shared status of some of the Jeff City legislative activities. Also stated Bayshore subdivision meeting was last night and they are very interested in street light proposals and want to move forward.

**Ward 2 – Jeff Fitter** – Excused

**Ward 1 – Cricky Lang** – Addressed the Tenbrook/Jeffco intersection comment made earlier and advised she has been working for several months with MoDot on the traffic issue at that intersection.

**Ward 1 – Doris Borgelt** – No report

## ADMINISTRATIVE REPORTS

**City Administrator Matt Unrein** – Reported he also attended the conference this week and learned a lot.

**City Clerk Diane Waller** - Shared she had received a letter from St. John's Lutheran requesting authorization to have fireworks on May 11<sup>th</sup> when they have their third annual block party. **Doris Borgelt** offered a motion **to approve and** she so moved. Seconded by Ken Moss. Roll call vote: Amato, yes; Freese (excused); Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; Fitter (excused); Moritz, yes. 6 yeas, **Motion carried**

**Chief Shockey** – No report

**Susie Boone** – Reported the Girl Scouts would be planting 1000 tulip bulbs around the Rec Center property on Sunday.

**Mary Holden** – No report.

**Bryson Baker** – No report

**Attorney Bob Sweeney** – Shared that the decision on red light cameras has been upheld. The news media and state have also been discussing the timing on the yellow lights and this does not impact us as a municipality, as MoDot has total control of the timing of our lights as they are on MoDot roads.

**Deb Lewis** – No report.

Mayor requested Ms. Lewis speak on the ATS ticket situation since the report has been delayed. He stated the city is continuing to and wants to move forward on this issue, adding there have been some difficulties getting information from ATS. The city is still waiting. He acknowledged this is not staff's fault for the delay in the findings and reports.

Ms. Lewis indicated she is in the midst of the first phase and has worked long hours on the audit and will continue to work through the weekend to try and get a preliminary report ready by the end of next week.

**Greg Hall** – Reported the Aging and Disability Commission met today and shared some of their upcoming activities and ideas. He mentioned they would like a motion brought forward and he would be presenting that at the March 1<sup>st</sup> meeting.



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Regular Meeting  
February 16, 2012

Phil Amato referred to a memo from Greg Hall regarding street lighting and added there is additional cost to bringing electricity to the front of the properties.

Mr. Hall also reported on the 7 Bridges Road, The Eagles Tribute Concert on February 25, 2012.

A motion to close this meeting was offered by Bill Moritz and seconded by Ken Moss.

Voice Vote: all yeas

Meeting adjourned at 8:05 pm.

  
City Clerk Diane Waller

**CITY OF ARNOLD, MISSOURI**

**ROLL CALL**

MEETING: REGULAR

DATE: 2/16/2012

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**BILL NO - RESOLUTION - MOTION**

	ROLL CALL	APPROVE 2/7/12 MINUTES	APPROVE PAYROLL WARRANT NO. 1127	APPROVE GENERAL WARRANT NO. 5565	MOTION TO MOVE NEW BUSINESS ITEM 10 A IN THE AGENDA	APPROVE BILL NO. 2500
<b>COUNCIL MEMBERS:</b>						
<b>MAYOR</b> <u>RON COUNTS</u>	PRESENT					
<b>COUNCIL:</b> <u>PHIL AMATO</u>	PRESENT	YES	YES	YES	YES	YES
<b>COUNCIL:</b> <u>PAUL FREESE</u>	EXCUSED	EXCUSED	EXCUSED	EXCUSED	EXCUSED	EXCUSED
<b>COUNCIL:</b> <u>SANDRA KOWNACKI</u>	PRESENT	YES	YES	YES	YES	YES
<b>COUNCIL:</b> <u>KEN MOSS</u>	PRESENT	YES	YES	YES	YES	YES
<b>COUNCIL:</b> <u>DORIS BORGELT</u>	PRESENT	YES	YES	YES	YES	YES
<b>COUNCIL:</b> <u>CRICKY LANG</u>	PRESENT	YES	YES	YES	YES	YES
<b>COUNCIL:</b> <u>JEFF FITTER</u>	EXCUSED	EXCUSED	EXCUSED	EXCUSED	EXCUSED	EXCUSED
<b>COUNCIL:</b> <u>BILL MORITZ</u>	PRESENT	YES	YES	YES	YES	YES
<b>ADMINISTRATOR:</b> MATT UNREIN	PRESENT	<b>PARKS DIR:</b> SUSIE BOONE				PRESENT
<b>CITY CLERK:</b> DIANE WALLER	PRESENT	<b>POLICE CHIEF:</b> CHIEF SHOCKEY				PRESENT
<b>COM DEV DIR:</b> MARY HOLDEN	PRESENT	<b>PUBLIC WORKS:</b> BRYSON BAKER				PRESENT
<b>FINANCE DIR:</b> DEBORAH LEWIS	PRESENT	<b>TREASURER:</b> DAN KROUPA				PRESENT
<b>CITY COUNSELOR</b> BOB SWEENEY	PRESENT	<b>DIR. OF ADMIN.</b> GREG HALL				PRESENT

CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: REGULAR

DATE: 2/16/2012

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BILL NO - RESOLUTION - MOTION

	APPROVE RESOLUTION NO. 12-10	APPROVE RESOLUTION NO. 12-11	APPROVE FIREWORKS FOR ST. JOHN'S LUTHERAN BLOCK PARTY			
<b>COUNCIL MEMBERS:</b>						
<b>MAYOR</b> <u>RON COUNTS</u>						
<b>COUNCIL:</b> <u>PHIL AMATO</u>	YES	YES	YES			
<b>COUNCIL:</b> <u>PAUL FREESE</u>	EXCUSED	EXCUSED	EXCUSED			
<b>COUNCIL:</b> <u>SANDRA KOWNACKI</u>	YES	YES	YES			
<b>COUNCIL:</b> <u>KEN MOSS</u>	YES	YES	YES			
<b>COUNCIL:</b> <u>DORIS BORGELT</u>	YES	YES	YES			
<b>COUNCIL:</b> <u>CRICKY LANG</u>	YES	YES	YES			
<b>COUNCIL:</b> <u>JEFF FITTER</u>	EXCUSED	EXCUSED	EXCUSED			
<b>COUNCIL:</b> <u>BILL MORITZ</u>	YES	YES	YES			
<b>ADMINISTRATOR:</b> MATT UNREIN				<b>PARKS DIR:</b>	SUSIE BOONE	
<b>CITY CLERK:</b> DIANE WALLER				<b>POLICE CHIEF:</b>	CHIEF SHOCKEY	
<b>COM DEV DIR:</b> MARY HOLDEN				<b>PUBLIC WORKS:</b>	BRYSON BAKER	
<b>FINANCE DIR:</b> DEBORAH LEWIS				<b>TREASURER:</b>	DAN KROUPA	
<b>CITY COUNSELOR</b> BOB SWEENEY				<b>DIR. OF ADMIN.</b>	GREG HALL	