

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

The Pledge of Allegiance was recited.

Paul Rodenroth offered the opening prayer.

Those present per roll call taken by Deputy City Clerk Tammi Casey: Mayor Counts, Hohmeier, Moritz, Amato, Freese, Moss, Borgelt, Shockey, Casey, Holden, Lewis, Sweeney, Boone, Hull-Bettale, Kroupa and Hall.

Sandra Kownacki arrived at 7:03 p.m.

Paul Freese **made a motion to amend the agenda and remove Dennis Murphy from Jeffco Express, as he was unable to attend tonight's meeting.** Seconded by Michelle Hohmeier. Roll call vote: Hohmeier, yes; Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; 7 yeas. **Motion Carried.**

Bill Moritz **made a motion to amend the agenda and move the 2012 Annual Audit Report from Hochschild, Bloom & Co., LLC to occur after business from the floor.** Seconded by Doris Borgelt. Roll call vote: Hohmeier, yes; Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; 7 yeas. **Motion carried.**

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

Doris Borgelt **made a motion and moved to accept the minutes for the February 11, 2013 meeting if there are no additions or changes.** Roll call vote: Hohmeier, yes; Moritz, yes; Amato, yes; Freese, yes; Kownacki, abstain; Moss, yes; Borgelt, abstain. 5 yeas, 2 abstain. **Motion carried.**

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

Deputy City Clerk read Payroll Warrant #1153. Bill Moritz **made a motion and moved to pay Payroll Warrant #1153 in the amount of \$248,498.48** if the monies are available. Seconded by Paul Freese. Roll call vote: Hohmeier, yes; Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes. 7 yeas. **Motion carried.**

Deputy City Clerk Tammi Casey read General Warrant #5589. Doris Borgelt **made a motion and moved to pay General Warrant #5589 in the amount of \$872,853.22 if the monies are available.** Seconded by Michelle Hohmeier. Roll call vote: Hohmeier, yes; Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; 7 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.

**Mr. Mike Evans, 509 Hannah Way** spoke regarding the unacceptable behavior of certain council members towards him personally. He wants it to stop.

**Ms. Pat Bock, Water Color Villas,** spoke regarding her deep appreciation for all the support the community, council and city employees have shown during the difficult time of her daughter, Cricky's passing. It has really meant a lot to her. Thanked Chief Shockey for the wonderful job of his officers.

**Karl Schoenbeck, 2108 Doe Run,** requested that there be no closed session tonight and any voting take place in the regular meeting, as the proposed subject of the closed session was already discussed in the newspaper. He believes it might even violate sunshine law.

Bill Moritz asked that Brian Waldrop from Clean Stream be able to speak when he arrives. He is running late but wanted to speak during business from the floor. Mayor stated that was acceptable.

### **NEW BUSINESS MOVED TO THIS PORTION OF THE AGENDA 2012 Annual Audit Report – Hochschild, Bloom & Co., LLC.**

Tammy Alsop gave a brief presentation regarding the annual audit report. She stated that the city did very well. Her company issued an unqualified opinion, which is the highest form of assurance that a city can receive on their financial statement.

## **ORDINANCES**

**BILL NO. 2540 – AN ORDINANCE AMENDING CHAPTER 23, ARTICLE II, DIVISION 1.5 OF THE CODE OF ORDINANCES RELATING TO TRAFFIC** was read twice by Deputy City Clerk Tammi Casey. Discussion followed. Roll call vote: Hohmeier, yes; Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; 7 yeas. **Ordinance passed**

## **RESOLUTIONS**

**RESOLUTION NO. 1303: A RESOLUTION GRANTING AN EASEMENT TO PUBLIC WATER SUPPLY DISTRICT NO. 1.**

Doris Borgelt **offered a motion and so moved.** Seconded by Michelle Hohmeier. Roll call vote: Hohmeier, yes; Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; 7 yeas. **Resolution passed**

## **MOTION**

**A MOTION AWARDING THE BID TO PURCHASE A NEW DVR VIDEO RECORDING SYSTEM FOR THE CITY HALL, POLICE DEPARTMENT AND RECREATION CENTER.**

Doris Borgelt **offered a motion and so moved.** Seconded by Sandra Kownacki. Roll call vote: Hohmeier, yes; Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; 7 yeas. **MOTION CARRIED**

**MOTION TO HOLD A CLOSED SESSION IMMEDIATELY FOLLOWING THE CITY COUNCIL MEETING FOR THE PURPOSE OF DISCUSSING LITIGATION AND PERSONNEL PURSUANT TO RSMo SECTION 610.02 (1), (3).**

Paul Freese **offered a motion and so moved.** Seconded by Bill Moritz. Roll call vote: Hohmeier, no; Moritz, yes; Amato, yes; Freese, yes; Kownacki, no; Moss, no; Borgelt, no; 3 yeas, 4 neas; **MOTION FAILED**

Paul Freese stated there is more business that needed to be discussed during closed session than what is being voted no on. Michelle Hohmeier said she would agree to hold a closed session to discuss personnel only, but feels the rest of the items should be discussed in open session. Bob Sweeney informed that doing so would waive client-attorney privilege and when that happens you suffer the consequences of doing so. He advises not to do it.

Michelle Hohmeier **offered a motion and so moved to hold a closed session immediately following the city council meeting to discuss personnel ONLY.** Seconded by Sandra Kownacki. Phil Amato asked for clarification of the motion. Bob Sweeney stated that the motion allowed a closed session strictly for the purpose of discussing **personnel only**. Roll call vote: Hohmeier, yes; Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; 7 yeas. **MOTION CARRIED**

## **NEW BUSINESS**

Bill Moritz is interested in finding out who is responsible for the thefts at the Recreation Center. He had a suggestion given to him by a resident to post still shots from the surveillance video of the suspects and posting them around the Recreation Center for everyone to see, in hopes that someone will come forward with the identities of the thieves. Asked for this subject to go to work session.

Doris Borgelt stated that she had received an e-mail from June Vandeghem asking that the city participate in Earth Hour on March 23<sup>rd</sup> at 8:30 p.m. It involves turning the lights out for one hour. She informed her that she would bring it up to the council.

## **OLD BUSINESS**

Ken Moss discussed the tract of land that was voted on by council 8-0 in favor of donating to the Veterans Memorial Wall. He would like to see that happen. If we can't donate the land, he feels we should sell it to the group at the appraised rate of \$8,000.00. He is fearful that if this doesn't occur soon we will lose this opportunity all together and he feels the Memorial Wall would be a great asset to the city. Much discussion followed. Dan Kroupa stated that through his research he did not believe that Mr. Clark had filed for 501C status and that would need to be done. Doris Borgelt stated he had filed for

501C status. Mayor stated he is in favor of having the Memorial Wall, just wants to be sure we do everything according to law. More discussion followed.

Bill Moritz noticed Brian Waldrop was now here and asked for him to be able to speak at this time.

**Mr. Brian Waldrop, 3273 Telegraph**, stated that the annual Winter Clean Stream Clean Up would take place this weekend beginning at 9:00 a.m. Saturday. He asked if anyone knew of a specific place that needed work because things were looking really good at this point. After 22 years there is hardly any trash to be found. A few people gave suggestions.

Bill Moritz **made a motion and so moved to provide city resources to assist Clean Stream**. Seconded by Paul Freese. Roll call vote: Hohmeier, yes; Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes. 7 yeas. **MOTION CARRIED**

Bill Moritz stated that the deadline is tonight for the Boone/Moss issue. Wants to know what is going to be done about this. Bob Sweeney stated that the attorney for the city in this matter, Mr. Krehbiel, was here tonight and deferred to him. Mr. Krehbiel stated he believes that it is in the city's best interest to accept the proposed settlement. He stated he was not adverse to going over the terms of the settlement tonight, however, he did not feel it prudent to go into the specifics of his analysis or strategies in an open meeting as he does not know at this time if the council will vote to settle tonight.

The terms of the settlement are as follows: 1. Payment to Susan Boone and her attorney in the amount of \$55,000.00. 2. Employment contract for Susan Boone that will renew automatically each year through 12/31/2018 with a super majority of the council required to terminate the contract. 3. All communications from city council members to Susan Boone should come to her through the City Administrator. That is the agreement in principle, there would be additional terms in the formal settlement agreement, most importantly of which is the full and complete release of the City of Arnold, it's officials, elected and appointed and all employees. He again believes it is in the city's best interest to accept this agreement.

Sandra Kownacki asked for clarification as to why, when as far as she knew nothing had been proven, we would pay anyone a settlement. Discussion followed.

Paul Freese **offered a motion and so moved to accept the settlement agreement.** Seconded by Bill Moritz. Before the roll call was made, Dan Kroupa stated that as treasurer he feels he has a fiduciary responsibility to make sure all are informed, that if we do not accept this settlement agreement tonight, the insurance company will cap their responsibility at \$55,000 and attorney fees and that anything over that amount that may eventually be awarded to Ms. Boone will be at the sole responsibility of the city. He feels, as city treasurer, we should cut our losses and follow the attorney's advice to settle.

Doris Borgelt mentioned there is a law on the books called acceding to corruption. She stated she feels voting in favor of settling would violate that law. She finds it difficult to reward someone for something she does not feel occurred.

Phil Amato said he feels it is best to follow the city attorney's recommendation. If we do not accept these terms he believes he will have put the people of his ward at tremendous financial risk. If we vote this down he will immediately make a motion for everyone to obtain their own attorneys, because we can't risk any more of the city's money. This has been very painful and we need to move on. Much discussion followed.

Bill Moritz asked to call a vote. More discussion followed. Mayor asked Mr. Sweeney if Ken Moss was allowed to vote on this issue. Mr. Sweeney stated he was not, as he was specifically charged in the lawsuit and was represented during mediation. Discussion followed and a disturbance erupted from the audience resulting in a woman being escorted out by police. Ken Moss asked Mr. Krehbiel why during mediation; Mr. Sweeney was there when Mr. Krehbiel was the attorney of record for the city. Mr. Krehbiel stated it was common practice for the city attorney to attend mediation. Mayor again called for a vote, less Ken Moss.

Roll call vote: Hohmeier; no; Moritz, yes; Amato, yes; Freese, yes; Kownacki, no; Borgelt, no; 3 yeas, 3 nays. **TIE VOTE:** Mayor voted yes to break the tie.

Ken Moss and Doris Borgelt both protested the vote.

Bill Moritz asked, although he was not on the prevailing side, that council approve and pay the investigator. He was not making a motion, but was just asking for this to be done.

Michelle Hohmeier asked for a complete list of all litigation against the city. Also brought up the investigator's report. She gave her interpretation of an appropriate pay amount for the investigator. Stated she would approve to pay him \$3550 or less but wouldn't approve anything higher. Mayor stated he would have the attorney submit that bill to the investigator to see if he would accept it.

## COMMITTEE REPORTS

Ken Moss questioned the Chief on the Police Pension Board report.

Dan Kroupa reported there had been a Finance Committee meeting tonight. Said the city's books are perfect and the city is in really good financial shape.

## REPORTS FROM MAYOR AND COUNCIL

**Mayor Ron Counts** – Thanked Deborah Lewis and her staff for a job well done on the audit. Also thanked the Public Works Department on the excellent job with snow removal. Stated he had met with Governor Nixon on increasing funding for mental health issues. That meeting went very well. He had also met with Congresswoman Ann Wagner and she complimented him on the work the city has accomplished. There had been a Farmers Market meeting and they are adding an entertainment committee this year. He is also very pleased to announce that the city has received formal notification that we will receive a \$250,000 infrastructure grant for the Tenbrook sidewalk project.

**Ken Moss** – Asked Mr. Sweeney to explain what exactly his private interest was that disqualified him from being able to vote. Mr. Sweeney explained it was because he was specifically listed in the charge by Ms. Boone giving him a personal interest in the case. As per city ordinance, this disqualified him from voting. Mr. Moss did not believe this was a private interest, may be a conflict, but not a private interest. Further discussion followed. He stated Cricky Lang was a true friend and gave his condolences to her family.

**Phil Amato** – Stated it was very sad that we had lost 3 colleagues in the last year. He also wanted to brag on three political figures. He feels Paul Freese did a great job on the Tenbrook sidewalk project. Senator Ryan McKenna has done a lot of work regarding the tax credit on food pantries. He was instrumental in leading this bill through the senate. State Representative John McCaherty took on this bill in the house. It looks like food pantries will have tax credits throughout the whole state due to these two gentlemen.

**Paul Freese** - Knew Cricky for a long time, she will be greatly missed. He and Cricky both championed the sidewalk project. Also this Tuesday, he has a meeting with Modot and Fox Schools.



**Bill Moritz** – Will greatly miss Cricky. Congratulated Paul Freese on the Tenbrook sidewalk project. Would like to speak later to Chief Shockey regarding an issue on Rockwood Drive. Stated his nephew was just accepted to Air Force Special Forces and he is extremely proud of this accomplishment.

**Michelle Hohmeier** – Cricky was a wonderful lady and she will be missed a lot. She had no idea how much Cricky had done for the city until she heard some of the stories people told.

**Doris Borgelt** – Cricky will be greatly missed. They worked well together and it was a pleasure to serve with her.

## **ADMINISTRATIVE REPORTS**

**Chief Shockey** - Stated that the tire changer and two spreaders had been scrapped out. Police also got rid of several gun barrels and some ammunition to other police departments. Also stated he would greatly miss Cricky. She was a strong supporter of the police department.

Michelle Hohmeier – Had forgotten to mention during council report that there was a sample of the smaller recycling container in the chambers, if anyone would be interested in obtaining one. Chief Shockey will have it placed in the lobby after the meeting and to call the City Clerk's office if interested in obtaining a smaller container.

Paul Freese had also forgotten to thank Mary Holden, Christie Hull-Bettale and Bryson Baker for all their work on the Tenbrook sidewalk project.

**Susie Boone** – Cricky was a great friend. They had grown very close while working on the 911 Memorial. Every time she and her staff look at the memorial, they will remember Cricky and every year they honor the memorial, know that they will also be honoring her.

**Mary Holden** – Spoke regarding the conditional use permit for Mr. Goodcents at 3870 Vogel Road. Planning Commission held a Public Hearing on 2/12/2013. There were no public comments and minimal discussion. Planning Commission is forwarding a recommendation of approval. It stands approved unless council denies. She also concurred with all comments made regarding Cricky. She will be greatly missed.



**Christie Hull-Bettale** – Gave an update on the Black Oak Trail Sewer Subdistrict. There was an open house public meeting on 2/7/13. They went over the plans and costs of this project. The one owner that was in attendance was very positive towards this project and the department has been in contact with the other owner. She said she was proud of getting the grant approved for Tenbrook sidewalks. She worked very hard on it. She will also check with Public Works to see who is available to help with Clean Stream.

**Attorney Bob Sweeney** – Stated Cricky will be greatly missed. Talked about how we had refused to address a number of litigation issues tonight that may now be forced into situations of having to settle creating some ramifications to the city. Begged council to follow our procedures, our job is to protect the city. These things need to be discussed in closed session. These items need to be resolved.

**Deborah Lewis** – Thanked Chief Shockey, Dan Kroupa and the Mayor for their support in getting the CAFR done on time. This is our 24<sup>th</sup> year for submitting for excellence in reporting; hopefully we will get it again this time. Also wanted to say Cricky will be greatly missed.

**Greg Hall** – Gave blessings to the Lang family during this difficult time. Will miss Cricky very much. Stated the All Abilities Expo will occur this Saturday from 10:00 till 2:00 at the Fox Service Center. In the parking lot that day there will also be an e-waste pick up event.

Phil Amato asked, since it seems the big issue for voting against the closed session meeting tonight has already been taken care of, asked if someone from the prevailing side would make a motion to go into closed session to discuss the rest of these cases.

Michelle Hohmeier stated, knowing the case Mr. Amato was speaking of, wondered if it could be discussed now and voted on since it should be a simple case. Mr. Sweeney informed that was not an acceptable option.

Mayor Counts wanted to speak regarding Cricky. He spoke of his involvement with the Juvenile Diabetes Association and how he had discussed this with Cricky's mom years ago. One of the last things he remembers her discussing at a meeting was the wish that everyone work together for the good of the city. Stated her heart was with the city and she did a wonderful job.

At 8:55 p.m. Mayor announced a 5-minute recess and then council would move into closed session.



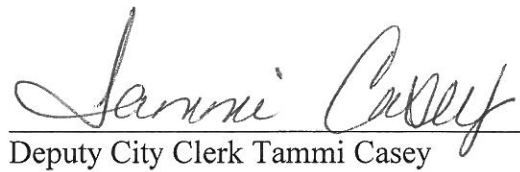
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Regular Meeting  
February 28, 2013

Closed session ended at 9:35 p.m.

Bill Moritz offered a motion to adjourn the meeting. Seconded by Paul Freese.

Voice Vote: all yeas.

Meeting adjourned at 9:35 p.m.

  
Deputy City Clerk Tammi Casey

CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: REGULAR

DATE: 2/28/2013

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BILL NO - RESOLUTION - MOTION

	ROLL CALL	MOTION TO REMOVE JEFFCO EXPRESS FROM AGENDA	MOTION TO MOVE 2012 ANNUAL AUDIT REPORT UP IN THE AGENDA	ACCEPT 2/11/2013 MINUTES	ACCEPT PAYROLL WARRANT NO. 1153	ACCEPT GENERAL WARRANT NO. 5589
<b>COUNCIL MEMBERS:</b>						
MAYOR <u>RON COUNTS</u>	PRESENT					
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	YES	YES
COUNCIL: <u>PAUL FREESE</u>	PRESENT	YES	YES	YES	YES	YES
COUNCIL: <u>SANDRA KOWNACKI</u>	ARRIVED 7:03	YES	YES	ABSTAIN	YES	YES
COUNCIL: <u>KEN MOSS</u>	PRESENT	YES	YES	YES	YES	YES
COUNCIL: <u>DORIS BORGELT</u>	PRESENT	YES	YES	ABSTAIN	YES	YES
COUNCIL:						
INTERIM ADMINIS TRATOR/ CHIEF OF POLICE						
BOB SHOCKEY	PRESENT	PARKS DIR:		SUSIE BOONE		PRESENT
DEPUTY CITY CLERK TAMMI CASEY	PRESENT	PUBLIC WORKS:		CHRISTIE HULL-BETTALE		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					

**ROLL CALL**

MEETING: REGULAR

DATE: 2/28/2013

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**BILL NO - RESOLUTION - MOTION**

		ACCEPT BILL NO. 2540	ACCEPT RESOLUTION NO. 1303	MOTION TO AWARD THE BID TO PURCHASE NEW DVR	MOTION TO HOLD CLOSED SESSION TO DISCUSS LITIGATION AND PERSONNEL	MOTION TO HOLD CLOSED SESSION TO DISCUSS PERSONNEL ONLY	MOTION TO PROVIDE CITY RESOURCES TO CLEAN STREAM
<b>COUNCIL MEMBERS:</b>							
<b>MAYOR</b> <u>RON COUNTS</u>							
<b>COUNCIL:</b> <u>MICHELLE HOHMEIER</u>		YES	YES	YES	NO	YES	YES
<b>COUNCIL:</b> <u>BILL MORITZ</u>		YES	YES	YES	YES	YES	YES
<b>COUNCIL:</b> <u>PHIL AMATO</u>		YES	YES	YES	YES	YES	YES
<b>COUNCIL:</b> <u>PAUL FREESE</u>		YES	YES	YES	YES	YES	YES
<b>COUNCIL:</b> <u>SANDRA KOWNACKI</u>		YES	YES	YES	NO	YES	YES
<b>COUNCIL:</b> <u>KEN MOSS</u>		YES	YES	YES	NO	YES	YES
<b>COUNCIL:</b> <u>DORIS BORGELT</u>		YES	YES	YES	NO	YES	YES
<b>COUNCIL:</b> _____							
<b>INTERIM ADMINIS TRATOR/ CHIEF OF POLICE</b> BOB SHOCKEY				<b>PARKS DIR:</b>	SUSIE BOONE		
<b>CITY CLERK:</b> TAMMI CASEY				<b>PUBLIC WORKS:</b>	CHRISTIE HULL-BETTALE		
<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> BOB SWEENEY							

CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: REGULAR

DATE: 2/28/2013

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BILL NO - RESOLUTION - MOTION

		MOTION TO ACCEPT SETTLEMENT AGREEMENT FOR BOONE/MOSS LAWSUIT					
<b>COUNCIL MEMBERS:</b>							
<b>MAYOR</b>	RON COUNTS	YES					
<b>COUNCIL:</b>	MICHELLE HOHMEIER	NO					
<b>COUNCIL:</b>	BILL MORITZ	YES					
<b>COUNCIL:</b>	PHIL AMATO	YES					
<b>COUNCIL:</b>	PAUL FREESE	YES					
<b>COUNCIL:</b>	SANDRA KOWNACKI	NO					
<b>COUNCIL:</b>	KEN MOSS	NOT ALLOWED TO VOTE PER ATTORNEY					
<b>COUNCIL:</b>	DORIS BORGELT	NO					
<b>COUNCIL:</b>							
<b>INTERIM ADMINIS TRATOR/ CHIEF OF POLICE</b>	BOB SHOCKEY						
<b>CITY CLERK:</b>	TAMMI CASEY						
<b>COM DEV DIR:</b>	MARY HOLDEN						
<b>FINANCE DIR:</b>	DEBORAH LEWIS						
<b>CITY COUNSELOR</b>	BOB SWEENEY						
			<b>PARKS DIR:</b>	SUSIE BOONE			
			<b>PUBLIC WORKS:</b>	CHRISTIE HULL-BETTALE			
			<b>TREASURER:</b>	DAN KROUPA			
			<b>DIR. OF ADMIN.</b>	GREG HALL			