

City of Arnold, Missouri

**Council Meeting
Council Chamber**

**January 3, 2013
7:00 p.m.**

Agenda

1. Pledge of Allegiance:
2. Opening Prayer: Grace Free Will Baptist Church – Jackson Watts
3. Roll Call:
4. Acceptance of Minutes: **December 20, 2012**
5. Acceptance of Warrants: **Payroll Warrant #1150 - General Warrant #5585**
6. Business From the Floor:
7. Ordinances:
 - A. **Bill No. 2534:** An Ordinance Authorizing an Intergovernmental Agreement Between the County of Jefferson, MO. and Incorporation Municipalities for the One-Half of One-Percent Sales Tax for Capital Improvements to Publicly Maintained Roads.
8. Resolutions:

None
9. Motions:
 - A. 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:
15. Adjournment

**Next Regular Council Meeting January 17, 2013 at 7:00 p.m.
Next Work Session Meeting January 10, 2013 at 7:00 p.m.**

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

The Pledge of Allegiance was recited.

Rev. Jackson Watts from the Grace Free Will Baptist Church offered the opening prayer.

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

ACCEPTANCE OF MINUTES:

Bill Moritz made a motion and moved to accept the minutes for the December 20, 2012 meeting if there are no additions or changes. Seconded by Cricky Lang. Roll call vote: Lang, yes; Hohmeier, yes; Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; 8 yeas. **Motion carried.**

ACCEPTANCE OF WARRANTS:

City Clerk Diane Waller read Payroll Warrant #1150. **Bill Moritz made a motion and moved to pay Payroll Warrant #1150 in the amount of \$254,546.38** if the monies are available. Seconded by Paul Freese. Roll call vote: Lang, yes; Hohmeier, yes; Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; 8 yeas. **Motion carried.**

City Clerk Diane Waller read General Warrant #5586 **in the amount of \$361,522.01.** Doris Borgelt made a **motion and moved to pay General Warrant #5586 once Columbia Tree Service (\$500) and Protective and Investigative Services (\$6800) were removed from that warrant.** Motion was seconded by Sandra Kownacki.

Mr. Moritz questioned why. Ms. Borgelt responded that Columbia Tree Service did work for the city without having a city business license and she also felt the investigative report provided was an inferior product.

Bill Moritz questioned staff as to when Columbia Tree Service was hired and for what purpose. Mr. Baker reported this company has worked for the city in the past and have cut down trees for Public Works and Parks. He was unaware they did not have a city business license.

Bill Moritz felt that the work was done for the city and they expected to be paid. He felt they should be paid and we can sort out the license issues later.

Motion clarified to approve the warrant with the exception of the payments to Columbia Tree Service and Protective Investigative Services. Roll call vote: Lang, yes; Hohmeier, yes; Moritz, no; Amato, no; Freese, no; Kownacki, yes; Moss, yes; Borgelt, yes; 5 yeas, 3 nays. **Motion carried.**

Note: Warrant #5586 was \$361,522.01 and will now be \$354,222.01 (\$6800 and \$500 were removed from the total).

Mrs. Hohmeier asked what happens now? Mr. Baker acknowledged he will contact Columbia Tree. Once the license issue is handled, this can be placed on a future warrant.

Mr. Moritz asked the attorney for his input since these vendors were contracted to do work.

Mr. Sweeney explained these services were provided, they expected to be paid so there is a possibility city could get sued. The tree service has done work for us before and was paid in the past. We are now punishing them, and he thinks this is a bullying tactic and the other issue looks like retaliation. This is not good business practice and bad policy.

Mrs. Hohmeier commented that we are withholding payment now but it could be paid in two weeks. She shared that she is a small business owner and must comply with licensing requirements and do a good service.

Bill Moritz disagreed and felt the people should be paid, they did a service. The mistake was made by the city.

Chief questioned what city should do now. Attorney advised, "I think you're done".

Bill Moritz added "the council has acted and we're going to get sued."

BUSINESS FROM THE FLOOR

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

Mike Evans, 509 Hannah Way, invited all to the Arnold Historical Society meeting on Monday evening. He will be the incoming president and there will be a flag ceremony. He also indicated there is a benefit at Ruby Tuesdays on Jan 14th, 15th, and 16th for the Historical Society and encouraged everyone to participate. He also shared that he would like to see a Veteran's Advisory Commission begun in the city and offered his help.

Candace Throm, 80 Hickory Bluff Lane, expressed her sentiments about a particular councilperson's behavior which she felt was shameful and unbecoming. She acknowledged reading the investigative report that another councilmember had put on line, questioned the report, felt it was sub-standard and didn't feel it was accurate. She added it is time to act like mature adults, let the petty stuff go and move on.

Councilman Moritz responded to her remarks by clarifying this would not have gotten to the media if Doris had not released his name to the reporter Kim Robertson and said Kim, if I am wrong say so. Mrs. Robinson was present and did not deny this had happened. Mr. Moritz finished with "Doris did this".

Dave Wooldridge, 2791 Preston, (was offered a speaker card but did not complete one). He expressed he felt it was time for Arnold to have a full time Mayor since the city has grown so much over the years.

He directed a question and comment to Mr. Moritz. He asked him if he had something against small business to which Mr. Moritz responded "no". Mr. Wooldridge then accused Mr. Moritz of not supporting small businesses and asked what his beef is, referring to commercial activity.

Mr. Moritz explained the Comprehensive Plan calls for Two Man and a Spa to be in a commercial area. He was not for zoning it industrial with the addition of the truck lot. It appeared there was confusion with zoning issues between Mr. Wooldridge and staff.

ORDINANCES

BILL NO. 2534 – AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE COUNTY OF JEFFERSON MO AND INCORPORATED MUNICIPALITIES FOR THE ONE-HALF OF ONE-PERCENT SALE TAX FOR CAPITAL IMPROVEMENTS TO PUBLICLY MAINTAINED ROADS was read twice by City Clerk Diane Waller. Roll call vote: Lang, yes; Hohmeier, yes; Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; 8 yeas, **Ordinance passed.**

RESOLUTIONS

None.

MOTIONS

**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)**

Paul Freese offered a motion and so moved. Seconded by Doris Borgelt.
Roll call vote: Lang, yes; Hohmeier, no; Moritz, yes; Amato, yes; Freese, yes; Kownacki,
yes; Moss, no; Borgelt, yes; 6 yeas, 2 nay. **Motion carried.**

NEW BUSINESS

Ken Moss advised Bryson Baker he had received a request for a salt box for Holiday Valley Drive and it was wanted at the top of the hill. Mr. Baker responded it will be placed but this is a private street so it must go on city right-of-way and that would be at the bottom of the hill.

Bill Moritz indicated he had emailed regarding some stop signs in Ward 2.

He also indicated we have an ordinance stating the City Clerk must be a resident of the City. This goes back to when it was an elected position and he felt this needs to be looked at. He would like that requirement removed for any future clerks.

Mayor indicated this can be discussed at a work session.

OLD BUSINESS

Ken Moss referred to the recently amended ordinance regarding the ephedrine and questioned if there had been a press release and if city had contacted all the pharmacies.

Chief advised this could be done.

Mr. Moss also stated he appreciated the timeline that he was provided for the CVS project. He added he would also like to see Attorney Sweeney's bills that involve this project, as a combined report. Chief acknowledge he will see what he can do. Mr. Sweeney indicated he can do this also.

Phil Amato questioned the signage at the roundabout (specifically arrows painted on pavement) and Mr. Baker indicated he would take a look at the arrows referred to.

Bill Moritz brought up the investigative report, stating he keeps hearing the word inconsistencies. He stated he said what was reported and we need to deal with this. The guy should be paid. He advised council to speak up and discuss at a work session.

Cricky Lang responded regarding the inconsistencies. She was hospitalized during the investigation so she got the audio. She expressed that she felt the audio did have inconsistencies. This is not about Susie or Ken. She stated she heard the audio and not all was on the transcription. She did not like the way the report was handled or how the questions were asked. She did say we need to get past this and move on. She questioned why the report was marked confidential when it has been released. There is so much to get done and we need to move forward. Residents are questioning when does this end. This is upsetting to her.

COMMITTEE REPORTS

None

REPORTS FROM MAYOR & COUNCIL

Mayor Ron Counts – No report

Ward 4 – Sandra Kownacki – No report

Ward 4 - Ken Moss – Directed his questions to Mr. Sweeney asking why he was asked to sign a hold harmless for the audio of the investigation.

Mr. Sweeney indicated the reason this was done was so the city had additional protection if somehow the document was distorted or changed. He explained he did not want the city as a defendant in a lawsuit and the City accepts no responsibility if that were to happen.

Mr. Moss stated Mr. Sweeney released the paper document. Mr. Sweeney explained the City Clerk's office released it, as it is a city document and subject to sunshine requests, adding there is a difference.

Mr. Moss and Mr. Sweeney exchanged comments about Allison Sweeney advising Mr. Moss to not vote in the meeting a few weeks ago. She had referred to Section 243 of Robert's Rules of Order, when this was really our ordinance. Mr. Sweeney explained she may have misspoke but either way, on Page 407 of the 11th Edition of Robert's Rules of Order it indicates if you have a personal interest, not common to other members, you should not vote. Mr. Sweeney added he also believed Mr. Moss should not have voted, adding our ordinance is stricter.

Ward 3 – Phil Amato – Reported he had a phone call from resident Carol Kessler who thanked the city employees and the water company for recently dealing with a situation in the middle of the night.

Ward 3 – Paul Freese –No Report

Ward 2 – Bill Moritz – No Report

Ward 2 - Michelle Hohmeier – Publicly thanked Kim Robinson for the announcement in the Leader of her upcoming “coffee with council” scheduled for January 9th at the library where she hopes residents will offer their ideas, etc. She wants to hear what folks have to say.

Ward 1 - Cricky Lang – No Report

Ward 1 – Doris Borgelt – Wished all a Happy New Year.

ADMINISTRATIVE REPORTS

Chief Robert Shockey –No Report

City Clerk Diane Waller – No Report

Susie Boone – No Report

Mary Holden – No Report

Bryson Baker – Informed council that the Black Oak Trail sanitary sewer sub district is estimated to be \$32,026 with the 2 homeowners involved each responsible for the cap of \$8000, leaving the city with the remaining \$16,026. He hopes to have this as a Public Hearing February 7th.

Treasurer Kroupa questioned the cap and thought it was \$9500. Bryson Baker will research.

Attorney Sweeney – Indicated the 8th Amendment to Arnold Crossroads Ordinance will be presented in time for the council meeting on the 17th. Stop sign ordinance should also be ready for the next regular council meeting.

Deb Lewis – No Report

Greg Hall – No Report.

Mayor announced a recess at 7:52 pm. so that council could have a brief recess and then go into closed session.

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Regular Meeting
January 3, 2013

Closed session ended at 8:37 pm.

A motion was offered by Paul Freese to adjourn the meeting. Seconded by Ken Moss.

Voice Vote: all yeas.

Meeting adjourned at 8:37 pm.


City Clerk Diane Waller

CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: REGULAR

DATE: 1/3/2013

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BILL NO - RESOLUTION - MOTION

		ROLL CALL	ACCEPT 12/20/2012 MINUTES	APPROVE PAYROLL WARRANT NO. 1150	APPROVE GENERAL WARRANT NO. 5586 WITH EXCEPTIONS	ACCEPT BILL NO. 2534	MOTION TO HOLD CLOSED SESSION
COUNCIL MEMBERS:							
MAYOR	<u>RON COUNTS</u>	PRESENT					
COUNCIL:	<u>CRICKY LANG</u>	PRESENT	YES	YES	YES	YES	YES
COUNCIL:	<u>MICHELLE HOHMEIER</u>	PRESENT	YES	YES	YES	YES	NO
COUNCIL:	<u>BILL MORITZ</u>	PRESENT	YES	YES	NO	YES	YES
COUNCIL:	<u>PHIL AMATO</u>	PRESENT	YES	YES	NO	YES	YES
COUNCIL:	<u>PAUL FREESE</u>	PRESENT	YES	YES	NO	YES	YES
COUNCIL:	<u>SANDRA KOWNACKI</u>	PRESENT	YES	YES	YES	YES	YES
COUNCIL:	<u>KEN MOSS</u>	PRESENT	YES	YES	YES	YES	NO
COUNCIL:	<u>DORIS BORGELT</u>	PRESENT	YES	YES	YES	YES	YES
INTERIM ADMINIS TRATOR/ CHIEF OF POLICE	<u>BOB SHOCKEY</u>	PRESENT	PARKS DIR:		<u>SUSIE BOONE</u>		PRESENT
CITY CLERK:	<u>DIANE WALLER</u>	PRESENT	PUBLIC WORKS:		<u>BRYSON BAKER</u>		PRESENT
COM DEV DIR:	<u>MARY HOLDEN</u>	PRESENT	TREASURER:		<u>DAN KROUPA</u>		PRESENT
FINANCE DIR:	<u>DEBORAH LEWIS</u>	PRESENT	DIR. OF ADMIN.		<u>GREG HALL</u>		PRESENT
CITY COUNSELOR	<u>BOB SWEENEY</u>	PRESENT					