

City of Arnold, Missouri

**Public Hearing
Council Chambers**

**June 20, 2013
7:00 p.m.**

- A. 2013-12 and 2013-13 C-4 Planned Commercial, Amendment and Commercial, Site Plan Approval for Lots 2 and 3, Vernon Rhodes Subdivision, 308 Plaza Way.
-

Council Meeting

Immediately following the Public Hearing

Agenda

1. Pledge of Allegiance:
2. Opening Prayer: First Baptist Church of Arnold – Pastor Bob Caldwell
3. Roll Call:
4. Acceptance of Minutes: **June 6, 2013**
5. Acceptance of Warrants: **Payroll Warrant #1162 - General Warrant #5597**
6. Business From the Floor:
7. Ordinances:
 - A. **Bill No. 2551:** An Ordinance Approving the Amended C-4 Planned Commercial for Lots 2 and 3 of Vernon Rhodes Subdivision, and Approving the Preliminary/Final Development Plan for Lot 3 of Vernon Rhodes Subdivision.
8. Resolutions:
 - A. **Resolution No.13-22:** A Resolution Authorizing the Mayor to Enter into a Contract with J. H. Berra Construction Company, Inc. to Undertake the Construction of the Karley Lift Station Improvements Project for the City of Arnold.
 - B. **Resolution No. 13-23:** A Resolution in Support of the Preservation of Tax-Exempt Financing.
 - C. **Resolution No. 13-24:** A Resolution Providing for the Beautification of the City of Arnold MO by Establishing a Capital Improvement and Matching Grant Program - to be Known and Cited as the Cooley-Fulbright City Beautification Program.
 - D. **Resolution No. 13-25:** A Resolution Waiving Trash Collection Fees for the Month of September, 2013.
9. Motions:

10. New Business:
11. Old Business
 - A. MIRMA Insurance.
12. Committee Reports:
13. Reports from Mayor and Council:
14. Administrative Reports:
15. Adjournment:

Next Regular Council Meeting July 11, 2013 at 7:00 p.m.
Next Work Session Meeting July 11, 2013 at 7:00 p.m.

June 20, 2013
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Mayor Ron Counts called the meeting to order at 7:02 pm.

The Pledge of Allegiance was recited.

Bob Caldwell offered the opening prayer.

Those present per roll call taken by City Clerk Diane Waller: Mayor Counts, Coleman (excused); Fulbright, Moss, Crisler, Cooley, Amato, Freese, Hohmeier, Shockey, Waller, Holden, Lewis, Sweeney, Boone (excused), Blattner, Kroupa and Hall (excused).

ACCEPTANCE OF MINUTES

Michelle Hohmeier indicated she had a couple of corrections. She stated that in that meeting she had questions regarding Bill 2550 and asked why those were not included in the minutes. Mrs. Waller explained the minutes do not include all comments but if she had stated for the record, they would surely be included. Mrs. Waller then offered to include Mrs. Hohmeier's questions but Mrs. Hohmeier replied it was not necessary.

Mrs. Hohmeier then stated she would like something removed from her ward report. She wanted it clarified she was not asking about a comment as was printed in the minutes, but asking about MIRMA itself and asked that the word "comment" be removed.

Michelle Hohmeier then made a motion to approve the minutes, as amended, from the June 6, 2013 meeting and so moved. Seconded by Paul Freese. Roll call vote: Coleman (excused); Fulbright, abstain; Moss, yes; Crisler, yes; Cooley, yes; Amato, yes; Freese, yes; Hohmeier, yes; 6 yeas, 1 abstention; **Motion carried.**

ACCEPTANCE OF WARRANTS:

City Clerk Diane Waller read Payroll Warrant #1162. Paul Freese made a **motion and moved to pay Payroll Warrant #1162 in the amount of \$258,449.42.** Seconded by Butch Cooley. Roll call vote: Coleman (excused); Fulbright, yes; Moss, yes; Crisler, yes; Cooley, yes; Amato, yes; Freese, yes; Hohmeier, yes; 7 yeas, **Motion carried.**

City Clerk Diane Waller read General Warrant #5597. Jason Fulbright made a **motion and moved to pay General Warrant #5597 in the amount of \$1,179,607.58 if monies are available.** Seconded by Randy Crisler.

FOR THE RECORD

Mr. Moss commented "I won't be able to vote for this, this evening. Um, I requested, I believe two days ago, a copy of Mr. Sweeney's bill um I believe for approximately \$16,000 on this warrant. Um I was told I could not get a copy, um and I was also told I could not even look at the copy if I wanted a copy, I would have to get an un redacted copy that would take the names and everything out, Um due to the lawsuit that I have against Mr. Sweeney. I believe this came from MIRMA attorney, Mr. Kreibel, so since I was not able to see this, I can't vote on it. But the question I do have is where under be it state statute, Arnold ordinance, policy, or somewhere that it would exclude me from seeing the bill from the city of Mr. Sweeney."

Mr. Sweeney clarified "Mr. Moss is entitled to look at the bill. He is not entitled to look at an unredacted version of the bill because he currently has a conflict of interest with the city of Arnold since he filed suit against me, the city and other city officials. He has every right to look at the bill. He indicated he wanted an unedited copy, he didn't want to look at it, he wanted an unedited version and our insurance counsel says it can't be done."

Mr. Moss wanted this on the record and Mayor acknowledged. Roll call vote: Coleman (excused); Fulbright, yes; Moss; no; Crisler, yes; Cooley, yes; Amato, yes; Freese, yes; Hohmeier, yes; 6 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.

Bernie Wilde, 3533 Swan Circle South, addressed the beautification resolution and felt city should first address the weed growth on Tenbrook and right-of-ways. She also didn't feel we need new trees but should save what we have that are being overtaken by vines.

Doris Borgelt, 653 Louisa, made comments about the Beautification Resolution and felt city needed to fix sewers. She questioned the MIRMA actions.

Pat Bock, 2100 Water Color Drive, made comments about Arnold tax and questioned Food Pantry criteria, directly to Mr. Amato since he was on the board. He advised Pantry is not city run. Mrs. Bock questioned those staying at the Value Place and Chief explained residency becomes effective when you occupy for 31 days. Ms. Bock reported suspicious men in the area and Chief encouraged her to contact the police whenever something doesn't look right.

ORDINANCES

BILL NO. 2551– AN ORDINANCE APPROVING THE AMENDED C-4 PLANNED COMMERCIAL FOR LOTS 2 AND 3 OF VERNON RHODES SUBDIVISION, AND APPROVING THE PRELIMINARY/FINAL DEVELOPMENT PLAN FOR LOT 3 OF VERNON RHODES SUBDIVISION was read twice by City Clerk Diane Waller. Roll call vote: Coleman (excused); Fulbright, yes; Moss, yes; Crisler, yes; Cooley, yes; Amato, yes; Freese, yes; Hohmeier, yes; 7 yeas, **Ordinance passed.**

RESOLUTIONS

RESOLUTION NO. 13-22 – A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH J. H. BERRA CONSTRUCTION COMPANY, INC. TO UNDERTAKE THE CONSTRUCTION OF THE KARLEY LIFT STATION IMPROVEMENT PROJECT FOR THE CITY OF ARNOLD.

Butch Cooley made a motion and so moved. Seconded by Randy Crisler. Roll call vote: Coleman (excused); Fulbright, yes; Moss, yes; Crisler, yes; Cooley, yes; Amato, yes; Freese, yes; Hohmeier, yes; 7 yeas, **Resolution passed.**

RESOLUTION NO. 13-23 – A RESOLUTION IN SUPPORT OF THE PRESERVATION OF TAX-EXEMPT FINANCING was discussed. Finance Director, Deb Lewis, explained the need for this action.

Phil Amato made a motion and so moved. Seconded by Paul Freese. Roll call vote: Coleman (excused); Fulbright, yes; Moss, yes; Crisler, yes; Cooley, yes; Amato, yes; Freese, yes; Hohmeier, no; 6 yeas, 1 nay, **Resolution passed**

RESOLUTION NO. 13-24 A RESOLUTION PROVIDING FOR THE BEAUTIFICATION OF THE CITY OF ARNOLD, MISSOURI BY ESTABLISHING A CAPITAL IMPROVEMENT AND MATCHING GRANT PROGRAM – TO BE KNOWN AND CITED AS THE COOLEY-FULBRIGHT CITY BEAUTIFICATION PROGRAM

Mrs. Hohmeier expressed her oppositions and concerns and many other councilmembers expressed the advantages of this program. After a lengthy discussion, Mayor asked to move forward and vote.

Butch Cooley made a motion and so moved. Seconded by Jason Fulbright. Roll call vote: Coleman (excused); Fulbright, yes; Moss, no; Crisler, yes; Cooley, yes; Amato, yes; Freese, yes; Hohmeier, no; 5 yeas, 2 nays, **Resolution passed.**

RESOLUTION NO. 13-25 A RESOLUTION WAIVING TRASH COLLECTION FEES FOR THE MONTH OF SEPTEMBER 2013

Randy Crisler reminded all that city normally provides a trash rebate to residents in mobile homes when city residents don't have to pay for trash services. He would like to see this taken into consideration when doing budget.

Ken Moss wanted the word "free" removed from the first paragraph in the resolution. Ken Moss made a **motion to amend, removing the word "free" from the resolution.** Seconded by Michelle Hohmeier. Roll call vote: Coleman (excused); Fulbright, no; Moss, yes; Crisler, no; Cooley, no; Amato, no; Freese, no; Hohmeier, yes; 5 nays, 2 yeas; **Motion failed.**

RESOLUTION NO. 13-25 A RESOLUTION WAIVING TRASH COLLECTION FEES FOR THE MONTH OF SEPTEMBER 2013.

Paul Freese made a motion and so moved. Seconded by Phil Amato. Roll call vote: Coleman (excused); Fulbright, yes; Moss, yes; Crisler, yes; Cooley, yes; Amato, yes; Freese, yes; Hohmeier, yes; 7 yeas, **Resolution passed.**

MOTIONS

None

NEW BUSINESS

Ken Moss questioned what has happened to the "Top Ten" (a summary of what is going on) that the City Administrator used to send out. He indicated Mr. Freese had also questioned this in an email and why they were no longer getting sales reports. He also said Mrs. Hohmeier had asked about the daily crime reports.

Chief advised this was very time consuming and starting July 1 will be sending out a similar type report on a monthly basis. The crime report also takes several hours but Chief will see they get the same report the press receives.

Butch Cooley shared he has met with residents near Harmony and reported there are holes in the street over there that need patching. He also mentioned storm water problems on Anthony Court need to be looked at. Mr. Blattner will pass this on.

OLD BUSINESS

Mr. Cooley referred to last week's work session with MIRMA and indicated he was uncomfortable. If information had been leaked from a closed session he asked why MIRMA didn't have everyone take a lie detector test.

Mr. Sweeney believed that was the point MIRMA was making – should that information become known, they will exclude them from coverage.

Mr. Amato shared that he too was uncomfortable and stated he had no problem taking a lie detector test.

Mr. Cooley asked for a poll but Attorney advised this would not be enforceable.

Michelle Hohmeier didn't think information was leaked to the newspaper or the press but was on the internet.

Chief Shockey advised reporter had called MIRMA and had exact quotes from closed session.

Mr. Sweeney advised city has not heard an opinion from Attorney General (and may not) regarding the MIRMA action involving the exclusions. City is trying to get "GAP" coverage and quotes thus far are high with high deductibles. However, our options are limited. Chief advised he had checked with MO PERM also but this will all take time.

Mr. Kroupa was asked to share his business knowledge regarding this. He shared his efforts in securing resolution. He was told premiums will be excessive and deductibles extreme. He is uncomfortable leaving the city unprotected because if something happens, the general fund will have to pay.

He asked Ken Moss if he had any ideas.

Mr. Moss responded he felt it was ridiculous the city was in this position.

More discussion continued on the options.

Mrs. Hohmeier questioned if we have had quotes in the past for our insurance needs. Mr. Kroupa said it is too late for this year but possibly next year.

Mayor advised a decision needs to be made prior to July 1st and council may need a special meeting.

Deb Lewis informed all city is still looking for coverage.

Ken Moss restated this is not just about him but affects the city as a whole.

COMMITTEE REPORTS

Michelle Hohmeier reported there had been an Aging and Disability meeting today and provided updates, sharing there are 50 air conditioning units available to low income families in need from the Jefferson County Community Partnership. Committee has and will be distributing more surveys so the committee knows who needs their help.

REPORTS FROM MAYOR & COUNCIL

Phil Amato left the council chambers around 8:10 and returned at 8:13 pm.

Mayor Ron Counts - Reported the Administrator Search Committee has met and has it narrowed down to 6. Interviews will start soon. Also reported the VFW group has met this week and working on bylaws.

Mayor reported City Clerk, Diane Waller, has announced her retirement effective the end of August. Along with the selection of a City Administrator this will be a challenging time. He would like to see changes in the ordinance that affects the City Clerk and elaborated on this. The scope of the office has changed over the years and he indicated he will have attorney work on this and present a new ordinance at the work session and meeting on July 11th unless there is any opposition.

Ken Moss questioned if this should go back to an elected position.

Mayor and Chief both explained the need to have a qualified person in the position. Times have changed and the scope of the job is not the same as it was when it was an elected position.

Mrs. Hohmeier also wanted clarification that there would be time to review the proposed ordinance and discuss before voting in July. Mayor and attorney both indicated it would be ready for review in advance of the work session and meeting on the 11th of July.

Ward 4 – Ken Moss - Clarified there will be a meeting and work session on July 11th and another meeting on July 18th.

Ward 1 – Randy Crisler - No Report

Ward 3 – Paul Freese – No Report

Ward 4 – Butch Cooley – No Report

Ward 2 – Mary Elizabeth Coleman – Excused

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Regular Meeting
June 20, 2013

Ward 3 – Phil Amato – No Report.

Ward 1 – Jason Fulbright – No Report

Ward 2 – Michelle Hohmeier – No Report

ADMINISTRATIVE REPORTS

Chief Robert Shockey - Made council aware the indoor pool had problems and he authorized about \$4000 for emergency repairs. Also stated the Elm Drive Bridge is in need of repairs and wanted everyone to know this is city owned and will be our responsibility. He has instructed Mr. Blattner to get some engineering studies done which will cost about \$4800. Announced he would be out of town next week and Mary Holden will be Acting City Administrator.

City Clerk Diane Waller – No Report but added she would be out next week for a few days.

Susie Boone – Excused

Mary Holden – Congratulated Diane on her upcoming retirement

Ed Blattner – Reported he had met with Fribis and HDR engineers and final report will be out in late July. There may be an additional fee for an additional study that is needed for proper planning. A feasibility study will also be needed for SRF application and there could be fees involved there too.

Attorney Sweeney – Wished everyone a Happy 4th!

Deb Lewis – No report

Greg Hall – Excused

A motion to adjourn meeting was made by Randy Crisler. Seconded by Paul Freese.
Voice Vote: all yeas.

Meeting adjourned at 8:24 pm.



City Clerk Diane Waller

CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: REGULAR

DATE: 6/20/2013

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BILL NO - RESOLUTION - MOTION

	ROLL CALL	6/6/2013 MINUTES	PAYROLL WARRANT NO. 1162	GENERAL WARRANT NO. 5597	BILL NO. 2551	RESOLUTION NO. 13-22
COUNCIL MEMBERS:						
MAYOR <u>RON COUNTS</u>	PRESENT					
COUNCIL: <u>MARY ELIZABETH COLEMAN</u>	EXCUSED	-	-	-	-	-
COUNCIL: <u>JASON FULBRIGHT</u>	PRESENT	ABSTAIN	YES	YES	YES	YES
COUNCIL: <u>KEN MOSS</u>	PRESENT	YES	YES	NO	YES	YES
COUNCIL: <u>RANDY CRISLER</u>	PRESENT	YES	YES	YES	YES	YES
COUNCIL: <u>BUTCH COOLEY</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>MICHELLE HOHMEIER</u>	PRESENT	YES	YES	YES	YES	YES
INTERIM ADMINIS TRATOR/ CHIEF OF POLICE <u>BOB SHOCKEY</u>	PRESENT	PARKS DIR:		<u>SUSIE BOONE</u>	EXCUSED	
CITY CLERK <u>DIANE WALLER</u>	PRESENT	PUBLIC WORKS:		<u>ED BLATTNER</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>	EXCUSED	
CITY COUNSELOR <u>BOB SWEENEY</u>	PRESENT					

CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: REGULAR

DATE: 6/20/2013

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BILL NO - RESOLUTION - MOTION

	RESOLUTION NO. 13-23	RESOLUTION NO. 13-24	MOTION TO AMEND VERBAGE OF RESOLUTION NO. 13-25 TO ELIMINATE "FEE"	RESOLUTION NO. 13-25		
COUNCIL MEMBERS:						
MAYOR <u>RON COUNTS</u>						
COUNCIL: <u>MARY ELIZABETH COLEMAN</u>	-	-	-	-	-	-
COUNCIL: <u>JASON FULBRIGHT</u>	YES	YES	NO	YES		
COUNCIL: <u>KEN MOSS</u>	YES	NO	YES	YES		
COUNCIL: <u>RANDY CRISLER</u>	YES	YES	NO	YES		
COUNCIL: <u>BUTCH COOLEY</u>	YES	YES	NO	YES		
COUNCIL: <u>PHIL AMATO</u>	YES	YES	NO	YES		
COUNCIL: <u>PAUL FREESE</u>	YES	YES	NO	YES		
COUNCIL: <u>MICHELLE HOHMEIER</u>	NO	NO	YES	YES		
INTERIM ADMINIS TRATOR/ CHIEF OF POLICE <u>BOB SHOCKEY</u>						
CITY CLERK <u>DIANE WALLER</u>						
COM DEV DIR: <u>MARY HOLDEN</u>						
FINANCE DIR: <u>DEBORAH LEWIS</u>						
CITY COUNSELOR <u>BOB SWEENEY</u>						
			PARKS DIR:	<u>SUSIE BOONE</u>		
			PUBLIC WORKS:	<u>ED BLATTNER</u>		
			TREASURER:	<u>DAN KROUPA</u>		
			DIR. OF ADMIN.	<u>GREG HALL</u>		

Mayor Ron Counts called the emergency meeting to order at 3:02 pm. Those present per roll call taken by Deputy City Clerk Tammi Casey: Counts, Fulbright, Moss, Crisler, Cooley, Hohmeier, Coleman, Shockey (excused), Casey, Holden, Lewis, Sweeney, Boone (excused), Blattner (excused), Kroupa (arrived during roll call) and Hall.

Phil Amato arrived at 3:05 p.m. and Paul Freese arrived at 3:18 p.m.

Mary Elizabeth Coleman discussed why she and Jason Fulbright asked for an emergency council meeting, which was for the purpose of discussing MIRMA's exclusions to the city's insurance policy effective July 1, 2013, the possibility of purchasing "GAP" coverage and any other options available to the city. After Mary Elizabeth Coleman summarized the letter received from MIRMA regarding its exclusions, the Mayor asked Bob Sweeney to clarify the position that the city is in and what our options may be. Mr. Sweeney spoke and gave his council on the situation.

Discussion followed regarding the options the city had regarding the MIRMA exclusion.

Randy Crisler left the council chambers at 3:29 pm and returned at 3:31 pm.

Mr. Tony Becker, Vice President of Custom Insurance Services in Crystal City, MO was invited to present his company's proposal for supplemental insurance coverage. (A copy of the quote is on record in the City Clerk's office).

Mr. Andrew Rohan, Senior Vice President of Smith McGehee Insurance Solutions in St. Louis, MO was then invited to present his company's proposal. (A copy of the quote is on record in the City Clerk's office). It was discovered, however during his presentation that his proposal was for complete replacement coverage, not just supplemental insurance. Therefore, his proposal was not considered at this time.

After much discussion Randy Crisler **made a motion to wait on any action until the July 11, 2013 meeting to give insurers further time to figure out exactly what we can do.** Seconded by Michelle Hohmeier. Jason Fulbright asked to have motion amended to state that if we are waiting that we are stating, as a council we are going without insurance and the city will cover the first dollar and every dollar thereafter for attorney fees and or settlement fees for any suit that arises, at the risk of taxpayers' money. Randy Crisler then **amended his motion to state the same.** Michelle Hohmeier seconded the amended motion. Roll call vote: Fulbright, yes; Moss, no; Crisler, yes; Cooley, yes; Amato, yes; Freese, yes; Hohmeier, yes; Coleman, no; 6 Yeas, 2 Nays: Motion Carried.

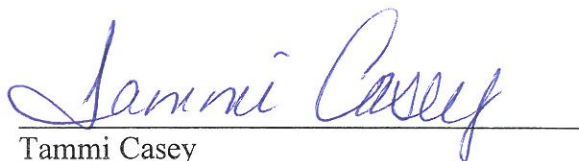
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Emergency Meeting
June 27, 2013

Michelle Hohmeier asked for the video of this meeting to be posted on the city website before 10:00 a.m. tomorrow morning so that the public could view the video, as this was an afternoon meeting and most were not able to attend.

Randy Crisler offered a **motion to adjourn**. Seconded by Mary Elizabeth Coleman.

Voice vote: all yeas.

Meeting adjourned at 4:24 p.m.



Tammi Casey
Deputy City Clerk

CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: EMERGENCY COUNCIL

DATE: 6/27/2013

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BILL NO - RESOLUTION - MOTION

	ROLL CALL	MOTION TO TAKE NO ACTION UNTIL 7/11/2013 MEETING				
COUNCIL MEMBERS:						
MAYOR <u>RON COUNTS</u>	PRESENT					
COUNCIL: <u>JASON FULBRIGHT</u>	PRESENT	YES				
COUNCIL: <u>KEN MOSS</u>	PRESENT	NO				
COUNCIL: <u>RANDY CRISLER</u>	PRESENT	YES				
COUNCIL: <u>BUTCH COOLEY</u>	PRESENT	YES				
COUNCIL: <u>PHIL AMATO</u>	ARRIVED 3:05	YES				
COUNCIL: <u>PAUL FREESE</u>	ARRIVED 3:18	YES				
COUNCIL: <u>MICHELLE HOHMEIER</u>	PRESENT	YES				
COUNCIL: <u>MARY ELIZABETH COLEMAN</u>	PRESENT	NO				
INTERIM ADMINIS TRATOR/ CHIEF OF POLICE <u>BOB SHOCKEY</u>	EXCUSED	PARKS DIR:	<u>SUSIE BOONE</u>			EXCUSED
DEPUTY CITY CLERK <u>TAMMI CASEY</u>	PRESENT	PUBLIC WORKS:	<u>ED BLATTNER</u>			EXCUSED
COM DEV DIR: <u>MARY HOLDEN</u>	PRESENT	TREASURER:	<u>DAN KROUPA</u>			ARRIVED 3:04
FINANCE DIR: <u>DEBORAH LEWIS</u>	PRESENT	DIR. OF ADMIN.	<u>GREG HALL</u>			PRESENT
CITY COUNSELOR <u>BOB SWEENEY</u>	PRESENT					