

City of Arnold, Missouri

**Council Meeting
Council Chambers**

**May 17, 2012
7:00 p.m.**

Amended Agenda

1. Pledge of Allegiance:
2. Opening Prayer: **Oasis Church – Rev. Mike Costello**
3. Roll Call:
4. Acceptance of Minutes: **May 3, 2012 & Special Meeting May 10, 2012**
5. Acceptance of Warrants: **Payroll Warrant # 1133 – General Warrant 5571**
6. Business From the Floor:
7. Ordinance:
 - A. **Bill No. 2512:** An Ordinance Authorizing the City of Arnold, MO. to Enter into a Lease Purchase Transaction, the Proceeds of Which Will be Used to Pay the Cost of Refunding the Outstanding Leasehold Revenue Bonds and Authorizing The Execution of Certain Documents and Actions in Connection Therewith.
8. Resolutions:
 - A. **Resolution No. 12-31:** A Resolution Authorizing the Mayor to Enter into a Contract with Fribis Engineering, Inc. for Phase III of the Sewer System Evaluation Study (SSES).
9. Motions:
 - A. A Motion for Foxwood Estates, Extension of Approval for Preliminary Plat.
 - B. A Motion to Authorize Staff to Begin Contract Negotiations with Kozeny-Wagner/RJN Group to Provide Design Build Services for the Sanitary Sewer Design Build Project for the City of Arnold.
 - C. A Motion to Authorize Staff to Begin Contract Negotiations with Tetra Tech to Provide Professional Engineering Services for MS4 Compliance for the City of Arnold.
10. New Business:
11. Old Business:
12. Committee Reports:

13. Reports from Mayor and Council:

14. Administrative Reports:

A. 2012-08 A Expansion of Conditional Use Permit, Apex Motors, Used Automotive Sales, 1413 Jeffco Blvd. Conditional Use Permit.

B. 2010-08 A Extension of Approved Conditional Use Permit, Oasis Church, 1595 Archer for use of Modular Building.

15. Adjournment:

Next Regular Council Meeting June 7, 2012 at 7:00 p.m.
Next Work Session Meeting June 14, 2012 at 7:00 p.m.

May 15, 2012
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Mayor Ron Counts called the meeting to order at 7:00 pm.

The Pledge of Allegiance was recited.

Mr. Mike Costello, from the Oasis Church, said the opening prayer.

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

Mayor recognized two scouts in the audience, Sam Fling and Ryan Hayes, both of Troop 450. They are working on their citizenship and communication badges.

Note: Mr. Sweeney and Mr. Amato arrived in the Chambers at 7:04 pm.

ACCEPTANCE OF MINUTES:

Doris Borgelt moved **to accept the minutes of the May 3, 2012 meeting** if there were no deletions, errors or corrections. Cricky Lang seconded the motion. Roll call vote: Hohmeier, yes; Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; 8 yeas: **Motion carried.**

Ken Moss moved **to accept the minutes of the special meeting May 10, 2012** if there were no deletions, errors or corrections. Doris Borgelt seconded the motion. Roll call vote: Hohmeier, yes; Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; 8 yeas, **Motion carried.**

ACCEPTANCE OF WARRANTS:

City Clerk Diane Waller read Payroll Warrant #1133. **Bill Moritz made a motion and moved to pay Payroll Warrant #1133 in the amount of \$252,307.65** if the monies are available. Seconded by Doris Borgelt. Roll call vote: Hohmeier, yes; Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; 8 yeas, **Motion carried.**

City Clerk Diane Waller read General Warrant #5571. **Ken Moss made a motion and moved to pay General Warrant #5571 in the amount of \$614,854.22** if the monies are available. Seconded by Sandra Kownacki. Roll call vote: Hohmeier, yes; Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; 8 yeas: **Motion carried.**

BUSINESS FROM THE FLOOR

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

Ms. Pat Bock, 2100 Water Color Villas, complimented and thanked the council for making Water Color Villas a reality. She reported she is very proud of the city and what they have done. She is very happy in her new home and feels the city needs more of these types of developments.

Mr. Richard Puttmann, 1940 Key West, thanked the Mayor for his assistance with the sewage problems they are having in their home. However, city insurance company has turned them down. Mr. Puttmann shared it is going to be impossible to financially address the sewer problem in his home and feels we all need to look at this differently.

Ms. Charmaine Puttman, 1940 Key West, expressed her concerns with her family's health and safety in their home as a result of the sewage issues.

Mr. Dan Beard, #6 Indian Court, stated he is worried about his health as a result of the sewage situation and can't live there. He also explained street flooding concerns and the need for stormwater control.

Mr. Rick Lay, #8 Indian Court, advised his home was built on a lagoon and the levels in his home make it unlivable. He also reported flooding problems when it rains. He questioned the funds spent by the city at First Baptist Church and Mayor indicated he would get those numbers to him.

Mr. Robert Braun, 1926 Key West, a 34-year resident of the area shared there has always been stormwater issues and asked the city to address these. He asked the city for help or to at least come take a look.

Mayor acknowledged there are problems, city is aware of the issues and will try and do what they can.

ORDINANCES

Bill No. 2512 – AN ORDINANCE AUTHORIZING THE CITY OF ARNOLD, MISSOURI TO ENTER INTO A LEASE PURCHASE TRANSACTION, THE PROCEEDS OF WHICH WILL BE USED TO PAY THE COSTS OF REFUNDING THE OUTSTANDING ARNOLD, MISSOURI, PUBLIC FACILITIES CORPORATION LEASEHOLD REVENUE BONDS (ARNOLD COMMUNITY RECREATION CENTER, SERIES 2003); AND AUTHORIZING THE EXECUTION OF CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH was discussed.

Mr. Unrein introduced Carl Ramey, of Stifel Nicolaus, who complimented and thanked those involved; Matt Unrein, Deb Lewis, Dan Kroupa, Mark Grimm. He also thanked the council, adding their action is going to save the city some big money.

Comments were made by other elected officials on this topic.

Before the actual vote, attorney advised the signature page in the packet was incorrect and Diane would be provided the official page.

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

RESOLUTIONS

RESOLUTION NO. 12-31 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH FRIBIS ENGINEERING, INC. FOR PHASE III OF THE SEWER SYSTEM EVALUATION STUDY (SSES) was read by Clerk Diane Waller.

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

MOTIONS

A MOTION FOR FOXWOOD ESTATES, EXTENSION OF APPROVAL FOR PRELIMINARY PLAT was discussed at length.

Ms. Holden spoke briefly about the request for extension and provided documents.

Ms. Borgelt added she felt the city has been dealing with this for about 9 years.

Ms. Holden acknowledged this was originally approved in 2009, changes made in 2010 and now they need an extension.

Mr. Moritz added if granted, they should have conditions to keep up with the grass growing on the wall and provide bigger boulders to prevent dumping. Mary Holden acknowledged they are aware of this. However, Mr. Moritz felt there are rocks there that can be removed, allowing access for dumping, even though there are gates.

Mr. Amato questioned the attorney as to what would happen if city doesn't extend, would it have to start over and go back to P & Z? Mr. Amato shared history on this

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development; an original plan of 31 lots, a mountain was taken down which damaged the surrounding area and road, the over blasting caused a bluff which is dangerous, the developer's backer died, economy took a bad turn, and to be more attractive to other developers, it was changed to 43 lots so as to recoup some money.

Mr. Amato stated he was against this then and he still is now, and added city should not vote based on a decision of hardship. He will not vote for this unless there is a chain link fence installed on the bluff to protect anyone from falling, the road above the development repaired and buffers like trees and shrubs planted.

He also added he would like to return to the original 31 lots as Six Road South has had stormwater issues. He asked Attorney for some advice.

Mr. Sweeney responded that if this extension is not granted, they must start over. This extension is for 43 lots.

Mr. Unrein explained this extension would give them time so they could address the conditions, options etc for health and safety issues and suggest tabling.

Attorney explained the current extension ends this weekend, tabling not an option.

Ms. Hohmeier questioned if there was a better way to go about this.

Mr. Sweeney feels there is no better way at this time; the 30-day could address the concerns.

More discussion.

Phil Amato requested attorney word the motion.

Mr. Amato offered **a motion to grant a 30-day extension for Foxwood preliminary plat**, Bill #2490. Paul Freese seconded the motion. More discussion and comments. Roll call vote: Hohmeier, yes; Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; 8 yeas, **motion carried**.

At 8:07 councilmen, Phil Amato and Paul Freese left the chamber.

A MOTION TO AUTHORIZE STAFF TO BEGIN CONTRACT NEGOTIATIONS WITH KOZENY-WAGNER/RJN GROUP TO PROVIDE DESIGN BUILD SERVICES FOR THE SANITARY SEWER DESIGN BUILD PROJECT FOR THE CITY OF ARNOLD was discussed.

Mr. Baker spoke briefly, providing background. Bill Moritz offered the motion and it was seconded by Michelle Hohmeier. Roll call vote: Hohmeier, yes; Moritz, yes; Amato, (out of the room) ; Freese, (out of the room); Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; 6 yeas, **motion carried**.

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Councilmen Amato and Freese returned at 8:11 pm

A MOTION TO AUTHORIZE STAFF TO BEGIN CONTRACT NEGOTIATIONS WITH TETRA TECH TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR MS4 COMPLIANCE FOR THE CITY OF ARNOLD was discussed.

Mr. Baker again provided background.

Ms. Borgelt wanted to know exactly what they were going to do. Mr. Baker responded these folks would work with us regarding MS4 Compliance, training, inspections, outfall mapping etc. as we cannot do this in house.

Council members questioned Mr. Baker, wanting to know more background on his recommendation with concern as to why Fribis was not contacted or recommended to the council. Mr. Baker advised we advertised and placed on the website. We also sent it to certain firms that were qualified.

Ms. Borgelt felt the local firm, Fribis, should have been given the opportunity. Mr. Baker advised they did not submit and he explained that probably Fribis did not have experience with MS4.

There were many other questions and comments.

Councilman Freese called the motion. However, no motion had yet been made. He then made **a motion and moved to begin contract negotiations with Tetra Tech to provide professional engineering services for MS4 compliance for the city of Arnold.** Seconded by Bill Moritz. Roll call vote: Hohmeier, yes; Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, no; Borgelt, no; Lang, no, 5 yes, 3 nays, **motion carried.**

NEW BUSINESS

None

OLD BUSINESS

Doris Borgelt commented that the money the city was saving tonight with the refinancing of the bonds, should be used to fix the stormwater and sewage problems we heard about tonight.

Mr. Carl Ramey immediately explained how these funds are restricted to the accounts and cannot be used for any other purposes.

Bill Moritz advised he would like more information on the Key West sewage situation.

Attorney advised that the city needs to discover as much as possible regarding those issues.

Ken Moss advised he too would like more information.

Sandra Kownacki, also requested more information. She reported she had met with these folks previously and had also met with our attorney.

Mayor advised we will do what we can but there is only so much we can do.

COMMITTEE REPORTS

Paul Freese announced there would be a Park Board meeting on June 4th at 6:30 pm at the Rec Center.

Mr. Amato stated there is an invite in everyone's mailbox from the Food Pantry.

REPORTS FROM MAYOR & COUNCIL

Mayor Counts – No report

Ward 1 – Doris Borgelt – No report

Ward 1 – Cricky Lang - stated city will do what they can for the problems they learned about tonight regarding the sewage situation with the homes on Keywest.

Ward 2 – Michelle Hohmeier – Advised residents to let the council members know of problems, they are here to help but need to know. Feel free to come to council meetings.

Ward 2 – Bill Moritz – no report

Ward 3 – Paul Freese – Announced there is a Band Boosters Benefit Car Show at the Fox Service Center on June 2. Invited all to attend as proceeds are for the band.

Ward 3 – Phil Amato – No report.

Ward 4 – Sandra Kownacki – No report

Ward 4 – Ken Moss – No report

ADMINISTRATIVE REPORTS

Mary Holden spoke about 2012-08 conditional use application for an expansion of Apex Motors, used automotive sales, 1413 Jeffco. She announced owners and representatives of Apex are in attendance.

Mr. Freese questioned his intentions. Mr. Yarborough explained they would like to expand the car lot with more area for display, purchase the property and demo the other building.

Phil Amato voiced his opposition to used car lots and felt this car lot was not helping the old UMB lot across the street and thought it was killing the value of that property.

Mr. Moritz commented about the business and is glad they are doing well.

Doris Borgelt stated she was glad to hear the car lot was doing so good and did not appreciate Mr. Amato's comments to them.

There was no other opposition, so this stands approved.

Mr. Amato asked that the record reflect he is 100% opposed to this.

Mary Holden then brought up the 2010-08 extension of approved conditional use permit for Oasis Church, 1595 Archer, for use of modular building. No objections were voiced. This too, stands approved.

Dan Kroupa – Shared compliments received from Fox and other schools regarding Pomme Golf Course and staff. He thanked Mr. Amato and Ms Boone for their involvement.

City Administrator - Matt Unrein – No report

City Clerk Diane Waller – No report

Chief Shockey – No report

Susie Boone – Announced the Outdoor Pool opens this weekend

Mary Holden – No report

Bryson Baker – He advised he still needs direction on flooring at Public Works building. We have an existing signed contract and we might want to reconsider the action taken at the last council meeting.

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At the advice of our attorney, if we go out for bid, we could be held for breach of contract with Hopkins flooring.

Attorney explained the legalities involved and how someone on the prevailing side could bring up for reconsideration the resolution voted down at the last meeting.

Ken Moss offered **a motion to approve Resolution No. 12-29 a change order for Hopkins Flooring in the amount of \$7541.41, per the advice of attorney.** Seconded by Bill Moritz. Roll call vote: Hohmeier, yes; Moritz, yes; Amato, no; Freese, no; Kownacki, no; Moss, yes; Borgelt, no; Lang, no; 3 yeas, 5 nays, **motion failed.**

Mayor says we have a contract. Attorney advises you have no other choice but to follow the contract. The upgrade (change order) will not happen. There were questions regarding how much work would be done and it was explained, exactly what was in the contract.

Attorney Bob Sweeney – Reminded when engineering projects are bid, new state statutes require them to be based on qualifications, and not a dollar amount. He advised council members check with staff prior to meetings regarding questions and concerns.

Deb Lewis – No report

Bill Moritz asked the attorney if the city has now exposed them to liability or risk. Attorney preferred not to respond to that question.

Greg Hall – Reported there was a Disability Commission meeting today and Bill Knittig has shared that Missouri Department of Mental Health is going to have an article about our People First Policy and how it is getting lots of attention.

A motion to adjourn the meeting was offered by Bill Moritz and seconded by Cricky Lang.

Voice Vote: all yeas

Meeting adjourned at 8:50 pm.


City Clerk Diane Waller

CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: REGULAR

DATE: 5/17/2012

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BILL NO - RESOLUTION - MOTION

	ROLL CALL	APPROVE 5/3/12 MINUTES	APPROVE 5/10/12 SPECIAL MEETING MINUTES	APPROVE PAYROLL WARRANT NO. 1133	APPROVE GENERAL WARRANT NO. 5571	APPROVE BILL NO. 2512
COUNCIL MEMBERS:						
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>	OUT OF ROOM	YES	YES	YES	YES	YES
COUNCIL: <u>PAUL FREESE</u>	PRESENT	YES	YES	YES	YES	YES
COUNCIL: <u>SANDRA KOWNACKI</u>	PRESENT	YES	YES	YES	YES	YES
COUNCIL: <u>KEN MOSS</u>	PRESENT	YES	YES	YES	YES	YES
COUNCIL: <u>DORIS BORGELT</u>	PRESENT	YES	YES	YES	YES	YES
COUNCIL: <u>CRICKY LANG</u>	PRESENT	YES	YES	YES	YES	YES
ADMINISTRATOR: MATT UNREIN	PRESENT	PARKS DIR: SUSIE BOONE				
CITY CLERK: DIANE WALLER	PRESENT	POLICE CHIEF: CHIEF SHOCKEY				
COM DEV DIR: MARY HOLDEN	PRESENT	PUBLIC WORKS: BRYSON BAKER				
FINANCE DIR: DEBORAH LEWIS	PRESENT	TREASURER: DAN KROUPA				
CITY COUNSELOR BOB SWEENEY	OUT OF ROOM	DIR. OF ADMIN. GREG HALL				

GREG HALL