

City of Arnold, Missouri

**Council Meeting
Council Chambers**

**November 15, 2012
7:00 p.m.**

Amended Agenda

1. Pledge of Allegiance:
2. Opening Prayer: St. John's Lutheran Church – Rev. Jeremy Schultz
3. Roll Call:
4. Acceptance of Minutes: **November 1, 2012**
5. Acceptance of Warrants: **Payroll Warrant #1146 - General Warrant #5583**
6. Business From the Floor:
7. Ordinances:
 - A. **Bill No. 2529:** An Ordinance Amending Misdemeanor Penalties in the Code of Ordinances.
8. Resolutions:
 - A. **Resolution 12-60:** A Resolution Authorizing the City to Accept Easements and Old Lemay Ferry Roadway Dedication and Vacate an Abandon Roadway Strip.
 - B. **Resolution 12-61:** A Resolution Amending the Fee Schedule for the Adoption of Animals from the City of Arnold.
 - C. **Resolution 12-62:** A Resolution Authorizing the Mayor to Enter into a Contract with the Missouri Highways and Transportation Commission for the STP-Urban Program Agreement for the Michigan Avenue Improvement Project STP-5403(647).
9. Motions:
 - A. A Motion to Hold a Closed Session Immediately Following the City Council Meeting for the Purpose of Discussing Litigation and Real Estate Pursuant to RSMo Section 610.02 (1), (2).
10. New Business:
11. Old Business
12. Committee Reports:
12. Reports from Mayor and Council:

14. Administrative Reports:

A. 2012-35 Conditional Use Permit for Kassebaum Restaurant – Subway at 1712 Missouri State Road.

15. Adjournment.

Next Regular Council Meeting December 6, 2012 at 7:00 p.m.

Next Work Session Meeting December 13, 2012 at 7:00 p.m.

November 14, 2012

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

The Pledge of Allegiance was recited.

Rev. Jeremy Schultz of St. John's Lutheran Church offered the opening prayer.

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

ACCEPTANCE OF MINUTES:

Ken Moss made a motion and moved to accept the minutes of November 1, 2012 meeting if there were no errors, deletions, or corrections. Seconded by Cricky Lang. Roll call vote: Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; Hohmeier, yes; Moritz (excused); Amato, yes; Freese, yes; 7 yeas, **motion carried.**

ACCEPTANCE OF WARRANTS:

City Clerk Diane Waller read Payroll Warrant #1146. **Cricky Lang made a motion and moved to pay Payroll Warrant #1146 in the amount of \$253,400.92 if the funds are available.** Seconded by Michelle Hohmeier. Roll call vote: Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; Hohmeier, yes; Moritz (excused); Amato, yes; Freese, yes; 7 yeas, **Motion carried.**

City Clerk Diane Waller read General Warrant #5583. **Cricky Lang made a motion and moved to pay General Warrant #5583 in the amount of \$1,549,399.45 if monies are available.** Seconded by Sandra Kownacki. Roll call vote: Kownacki, yes; Moss, yes; Borgelt, no; Lang, yes; Hohmeier, yes; Moritz (excused); Amato, yes; Freese, yes; 6 yeas, 1 nay, **Motion carried.**

Doris Borgelt questioned the billing of the attorney fees. She felt city was being overcharged. Attorney explained the fees, based on the facts. Ms. Borgelt disagreed and attorney explained she had been looking at a proposal, not the actual resolution that was voted on.

Mayor left the dais and came to the microphone. Planning Commission Chairman, Brian McArthur, presented him the 2012 APA award for Best Comprehensive Plan in Missouri. Mayor accepted for the city and thanked all involved in working on the plan.

BUSINESS FROM THE FLOOR

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

Mr. Butch Cooley, 2145 Lonedell, talked about the roundabout, stating he has heard complaints about running up over the curb and asked if reflective paint could help this.

Mr. Baker responded the curb is there to assist and accommodate larger vehicles. It actually helps them in the turning, allowing vehicles to run up over that curb.

ORDINANCES

BILL NO. 2529 – AN ORDINANCE AMENDING MISDEMEANOR PENALTIES IN THE CODE OF ORDINANCES was read twice by City Clerk Diane Waller. Roll call vote: Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; Hohmeier, yes; Moritz (excused); Amato, yes; Freese, yes; 7 yeas, **Ordinance passed**.

Mr. Amato commented that the city has signage “**Don’t Trash ARNOLD**” and believed that these signs have the \$1000 penalty on them. These will need to be changed.

RESOLUTIONS

RESOLUTION NO. 12-60 – A RESOLUTION AUTHORIZING THE CITY TO ACCEPT EASEMENTS AND OLD LEMAY FERRY ROADWAY DEDICATION AND VACATE AN ABANDONED ROADWAY STRIP. Cricky Lang offered a motion and so moved. Seconded by Michelle Hohmeier. Roll call vote: Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; Hohmeier, yes; Moritz (excused); Amato, yes; Freese, yes; 7 yeas, **Resolution passed**.

RESOLUTION NO. 12-61 – A RESOLUTION AMENDING THE FEE SCHEDULE FOR THE ADOPTION OF ANIMALS FROM THE CITY OF ARNOLD. Sandra Kownacki offered a motion and so moved. Seconded by Michelle Hohmeier. Roll call vote: Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; Hohmeier, yes; Moritz (excused); Amato, yes; Freese, yes; 7 yeas, **Resolution passed**.

RESOLUTION NO. 12-62 – A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR THE STP-URBAN PROGRAM AGREEMENT FOR THE MICHIGAN AVENUE IMPROVEMENT PROJECT STP-5403 (647)

Sandra Kownacki offered a motion and so moved. Seconded by Phil Amato. Roll call vote: Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; Hohmeier, yes; Moritz (excused); Amato, yes; Freese, yes; 7 yeas **Resolution passed.**

Motions

Doris Borgelt offered a motion to hold a closed session immediately following the city council meeting for the purpose of discussing litigation and real estate pursuant to RSMO Section 610.02 (1), (2). Seconded by Cricky Lang. Roll call vote: Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; Hohmeier, yes; Moritz (excused); Amato, yes; Freese, yes; 7 yeas, **motion carried.**

NEW BUSINESS

Ken Moss questioned the credit card expenses on the warrant and would like more detailed explanations. Finance Director explained there is only so much room for detail on our system but extended an open invite for him to come and he could view the documents.

OLD BUSINESS

Chief stated that a representative was here tonight if anyone had more questions regarding the CVS development.

David Glarner introduced himself stating he is working with Raven Development; they are developing the Lone Star site for CVS.

Chief directed him to provide an overview of the project, explain where we are with costs, etc.

Mr. Glarner displayed a diagram explaining what has been done, explained the large amount of fill that has been removed, stated a fair amount of utility work has been done. He also stated a fair amount of the road has been done. He added the necessary property has been acquired from the funeral home, QT, and MoDot. They are working to finish up with Applebee's and expects this to be done by end of year.

He referred to the budget approved August 17, 2012 - \$3,896,754, stating what was budgeted for acquisitions was in line and acknowledged the entire project is on target. However, there were lots of variables with the unknown, referring to the blasting, fill, and rock, and project should be completed within the original budget, with the contingencies.

Deborah Lewis stated the City Administrator, per the redevelopment agreement, had the authority to approve that budget. Council gave him this right when they approved the agreement. There was no specific dollar amount in the agreement.

She used the numbers she was provided previously in 2011 that were from Jan 2010.

In October 2011, council was told \$2,900,000 was an estimate.

Ms. Lewis explained she was not in the closed session nor had she attended the meetings when this was previously discussed.

Mr. Glarner stated he had presented the budget of \$3,868,000 back on May 16, 2012 to the then current City Administrator.

Treasurer Kroupa did not understand how this could have happened.

Attorney admitted he did not know the final budget numbers were not budgeted.

Amato agreed and can't grasp how the city could be a million short. Questioned now where the money would come from.

Chief stated the Ridgecrest property will be discussed in closed session and the sale of that property could help.

Ken Moss questioned and wanted clarification that former City Administrator Matt Unrein was the only city personnel communicated this new budget number on May 16. Mr. Glarner acknowledged, to the best of his knowledge, he was the only one made aware and he would not know if this was then relayed to anybody else.

Mr. Moss continued that Chief and Attorney were made aware of this in August yet council was not aware until aware last week.

Ms. Lewis reminded all of what was going on during that time - Chief was being brought up to speed. Ms. Lewis indicated during the meetings in August she did not believe the budget was given until August 16th when she questioned what was going on and a red flag was thrown up. They met in September to start working through what had happened. Mr. Moss expressed concern that council was not made aware of this until just recently.

Deborah Lewis stated that, as soon as details were available, they were presented.

Mr. Glarner stated he had a 3 year timeline and his point of contact and communication was with the City Administrator. Changes in the budget were required because of changes in the development. The redevelopment agreement specifically authorized him to work with the City Administrator. He explained how he had to work with Applebee's and MoDot and other costs were incurred then for retaining walls, additional parking etc. He reiterated again he communicated this to the City Administrator, not the attorney or the Finance Director.

Mrs. Hohmeier defended Mr. Glarner, as he was communicating as the agreement required, with the City Administrator. It appears the problem was our previous City Administrator failed to come to council with these changes.

Much discussion followed on various budgets. Mr. Glarner talked about land acquisitions and eminent domain. The budget provided was just a portion, a contractor price. What wasn't presented was negotiations for acquisitions. We did not budget for acquisitions. Mr. Glarner explained that due to a lack of information and communication provided, those numbers were inaccurate from the beginning.

Mrs. Hohmeier clarified that as he spent money, he explained this to the then City Administrator.

Questions were asked from various council members regarding who attended certain meetings. Mr. Glarner stated he presented the needs, what had to be done, all to Matt Unrein. It appeared Matt Unrein failed to share needed financial information from these meetings.

Cricky Lang asked if city could speak to Matt Unrein to attain or verify some of these comments. Attorney stated he has talked with him regarding this and could continue to discuss with Mr. Unrein.

Doris Borgelt felt everyone should get to speak with Mr. Unrein, not just the attorney.

Mr. Amato respectfully disagreed with what has happened. He referred to other previous big redevelopment projects in the city. They too dealt with rock issues, acquisitions, and representatives from the developers kept the city informed.

Attorney stated there was distinction with this situation compared to other projects. Those other projects all had amendments made to the original agreements. The scope of this project did not change so there was no need for amendments. This agreement allowed for reasonable additional costs.

Chief confirmed Mr. Unrein's schedule as far as meetings were concerned. However, there is no way to know what was actually discussed during those meetings.

Ken Moss questioned the settlement agreement with the city and Unrein – did it prohibit all communications?

Attorney advised you can talk to Mr. Unrein. However; there can be no disparaging remarks.

Mr. Amato questioned attorney about the numbers. Mr. Sweeney relayed that Mr. Unrein believed all that was spent was budgeted.

Mr. Glarner added he felt the previous City Administrator understood the scope of the project and the changes. Everything the council had authorized, he did, with providing a budget and having it approved by City Administrator. Mr. Glarner felt the City Administrator understood as the project changed. There was full knowledge that we would be acquiring property. However, information provided was not accurately relayed to Finance.

Chief acknowledged we are a million dollars off. He doesn't believe this is Mr. Glarner's fault. They have now met numerous times and he will have ideas and options for financing but will discuss later in closed session. The Chief and Finance Director have worked hard on this. He again stated he believes city personnel did not know of this and it is not Mr. Glarner's fault. Mr. Glarner communicated as was required.

Ken Moss questioned the status on finding a new City Administrator.

Mayor advised everyone has volunteered to be part of the committee and this will be discussed at a December meeting.

Chief asked if this could be on the Dec 13th meeting as he will not be in attendance at the December 6th meeting.

Sandra Kownacki asked if anyone has met with the Puttmans regarding the Keywest residents and their situation.

Mayor advised Mr. Hall has made lots of attempts but phone calls are not being answered. Mayor himself spoke with Mr. Puttman and relayed that information. We are trying.

Mr. Hall added he did finally speak with Ms. Puttman. He relayed to her the city's efforts and contacts he has made to assist them.

Mayor advised Ms. Kownacki to communicate that the city is trying to help but we may be restricted.

Ms. Borgelt questioned where city is with the Moss investigation, asking questions about money being paid out. Also questioned what the independent investigator is costing.

Chief shared he has a draft of the billable hours, not including transcriptions for the 32 interviews and he thought this was in the neighborhood of \$2500 to \$3000. Attorney Sweeney will have draft soon of the investigation.

Ms. Borgelt questioned how many billable hours Sweeney has spent. Chief and Attorney did not have that readily available. Attorney offered to calculate.

Ms. Borgelt had more concerns about Mr. Sweeney's time spent.

Mayor advised Ms. Borgelt to give Mr. Sweeney the opportunity to put something together and provide it to Ms. Borgelt.

Mr. Sweeney acknowledged he would do that.

COMMITTEE REPORTS

Treasurer Kroupa reported Pat Lamping of Jefferson County Economic Development Corporation is planning a series of financial informational programs and more information will be provided later. This will be very beneficial for us and others in the county.

REPORTS FROM MAYOR & COUNCIL

Mayor Ron Counts – Wished everyone a Happy Thanksgiving. He stated we are moving forward in the right direction, doing well and we should reflect on how thankful we should be for what we have.

Ward 4 – Sandra Kownacki – Dittoed Mayor's remarks. Thanked Bryson Baker for the roundabout, adding it is working great.

Ward 4 - Ken Moss – Wished all a Happy Thanksgiving. A citizen gave him some advice and he shared it for all to think about. "The only people, who are mad at you for speaking the truth, are those living a lie."

Ward 3 – Phil Amato – Stated the Food Pantry Ribbon Cutting is December 9th at 1 PM.

Ward 3 – Paul Freese – Wished everyone a Happy Thanksgiving

Ward 2 – Bill Moritz – Excused

Ward 2 - Michelle Hohmeier – Wished all a Happy Thanksgiving

Ward 1 - Cricky Lang – Wished everyone a Happy Thanksgiving and reflected on the year she has had and how thankful she is, adding life is short.

Ward 1 – Doris Borgelt – Wished everyone a Happy Thanksgiving and asked about a settlement agreement being made with someone, can it be modified?

Mr. Sweeney advised “not normally.”

She referred to the settlement agreement waiver with Mr. Unrein.

Mr. Sweeney stated he would have to look at more details.

Mayor advised Mr. Sweeney to look into this and report.

ADMINISTRATIVE REPORTS

Interim City Administrator/Chief Shockey – Announced the City staff will have a combined Thanksgiving/Christmas luncheon on Dec 14 at noon. He extended an invitation to Council and thanked those who contributed to make this possible.

Chief indicated he will not be at the next meeting in December because of a Police commitment in Jeff City. He wished everyone a good Thanksgiving and he was hoping to take a few days off next week.

City Clerk Diane Waller – Addressed Ms. Borgelt’s accusations regarding licensing issues, sharing the research and offering documents to anyone interested. She added we all need to work together and wished everyone a Happy Thanksgiving.

Susie Boone – Reminded everyone of the upcoming Thanksgiving Day Gobble Run. Added a Christmas tree would be an addition to the roundabout soon.

Mary Holden – Spoke of the Conditional Use permit for Kassebaum to operate the Subway store on Astra Way. It was approved by P & Z and if there are no objections, this stands approved. Wished everyone a Happy Thanksgiving.

Bryson Baker – Wished everyone a Happy Thanksgiving.

Attorney Bob Sweeney – Clarified he has met with Mr. Glarner, verified that Finance Director Deborah Lewis was not there and that financial information was not provided in the meetings he had attended.

Deborah Lewis – Jokingly told everyone not to eat too much turkey!

Greg Hall – Thanked all the volunteers helping with the upcoming Gobble Run. Reported we expect about 1100 to participate.

Susie Boone reminded everyone of the Hazardous Waste event this Saturday at 8 am and some of the particulars, i.e., proof of residency, 100# limit etc. Required.

Mayor announced a 10-minute recess at 8:22 to go into executive session.

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Council came out of executive session at 9:20 pm when a motion was offered by Doris Borgelt to adjourn the meeting. Seconded by Ken Moss.

Voice Vote: all yeas.

Meeting adjourned at 9:20 pm.


City Clerk Diane Waller

CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: REGULAR

DATE: 11/15/2012

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BILL NO - RESOLUTION - MOTION

	ROLL CALL	ACCEPT 11/1/2012 MINUTES	ACCEPT PAYROLL WARRANT NO. 1146	ACCEPT GENERAL WARRANT NO. 5583	ACCEPT BILL NO. 2529	ACCEPT RESOLUTION NO. 12-60
COUNCIL MEMBERS:						
MAYOR RON COUNTS	PRESENT					
COUNCIL: SANDRA KOWNACKI	PRESENT	YES	YES	YES	YES	YES
COUNCIL: KEN MOSS	PRESENT	YES	YES	YES	YES	YES
COUNCIL: DORIS BORGELT	PRESENT	YES	YES	NO	YES	YES
COUNCIL: CRICKY LANG	PRESENT	YES	YES	YES	YES	YES
COUNCIL: MICHELLE HOHMEIER	PRESENT	YES	YES	YES	YES	YES
COUNCIL: BILL MORITZ	EXCUSED	EXCUSED	EXCUSED	EXCUSED	EXCUSED	EXCUSED
COUNCIL: PHIL AMATO	PRESENT	YES	YES	YES	YES	YES
COUNCIL: PAUL FREESE	PRESENT	YES	YES	YES	YES	YES
INTERIM ADMINIS TRATOR/ CHIEF OF POLICE BOB SHOCKEY	PRESENT	PARKS DIR:		SUSIE BOONE	PRESENT	
CITY CLERK: DIANE WALLER	PRESENT	PUBLIC WORKS:		BRYSON BAKER	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					

CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: REGULAR

DATE: 11/15/2012

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BILL NO - RESOLUTION - MOTION

		ACCEPT RESOLUTION NO. 12-61	ACCEPT RESOLUTION NO. 12-62	MOTION TO HOLD CLOSED SESSION			
COUNCIL MEMBERS:							
MAYOR	RON COUNTS						
COUNCIL:	SANDRA KOWNACKI	YES	YES	YES			
COUNCIL:	KEN MOSS	YES	YES	YES			
COUNCIL:	DORIS BORGELT	YES	YES	YES			
COUNCIL:	CRICKY LANG	YES	YES	YES			
COUNCIL:	MICHELLE HOHMEIER	YES	YES	YES			
COUNCIL:	BILL MORITZ	EXCUSED	EXCUSED	EXCUSED			
COUNCIL:	PHIL AMATO	YES	YES	YES			
COUNCIL:	PAUL FREESE	YES	YES	YES			
INTERIM ADMINIS TRATOR/ CHIEF OF POLICE	BOB SHOCKEY				PARKS DIR:	SUSIE BOONE	
CITY CLERK:	DIANE WALLER				PUBLIC WORKS:	BRYSON BAKER	
COM DEV DIR:	MARY HOLDEN				TREASURER:	DAN KROUPA	
FINANCE DIR:	DEBORAH LEWIS				DIR. OF ADMIN.	GREG HALL	
CITY COUNSELOR	BOB SWEENEY						