

## City of Arnold, Missouri

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**Public Hearing  
Council Chamber**

**October 7, 2010  
7:00 p.m.**

- A.** An Ordinance Approving a Minor Record Plat Titled "A Boundary Adjustment Plat of Lot 14 of Arnold Commons Plat Two".

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**Council Meeting**

**Immediately Following the Public Hearing**

### **Agenda**

1. Pledge of Allegiance
2. Opening Prayer: Parkview Baptist Church - TBA
3. Roll Call
4. Acceptance of Minutes: **September 16, 2010**
5. Acceptance of Warrants: **Payroll Warrant: #1091 – General Warrant: #5532**
6. Business from the Floor:
7. **Ordinances**
  - A. **Bill No. 2428:** An Ordinance Approving a Record Plat Titled "A Boundary Adjustment Plat of Lot 14 of Arnold Commons Plat Two"
  - B. **Bill No. 2429:** An Ordinance Authorizing the City to Refinance the Missouri Development Finance Board Bonds.
  - C. **Bill No. 2430:** An Ordinance Providing for an Adjustment to the Fiscal Year 2011 Budget and providing for a Designated Fund for a City Bus Route.
  - D. **Bill No. 2431:** An Ordinance Providing for an Adjustment to the Fiscal Year 2011 Budget.
8. **Resolutions**
  - A. **Resolution 10-25:** A Resolution Authorizing the Mayor to Execute a Contract with Fribis Engineering, Inc. to Provide Phase II of the Sanitary Sewer Evaluation Study.
  - B. **Resolution 10-26:** A Resolution Authorizing the Mayor to Execute a Contract with URS to Provide Engineering Design Services of the Intersection at Old Lemay Ferry Road and Richardson Road.

**C. Resolution 10-27:** A Resolution Authorizing the Mayor to Execute a Contract with Lorenz & Associates for the Roof Replacement at the Community Building, Public Works Offices and the Public Works Break Room.

9. Motions

- A. A Motion Awarding All State Capital the Lease for the Replacement of Equipment at the Recreation Center.
- B. A Motion to Hold a Closed Session Immediately Following the City Council Meeting for the Purpose of Discussing Litigation and Personnel Pursuant to RSMo Section 610.021 (1), (3).

10. New Business

11. Old Business

12. Committee Reports

13. Reports from Mayor and Council

14. Administrative Reports

- A. 2010-16 A Conditional Used Permit, Christian Brother Automotive, 2190 Church Road (Arnold Commons) Planning Commission Action.

15. Adjournment

**Next Regular Council Meeting October 21, 2010 at 7:00 p.m.  
Next Work Session Meeting October 14, 2010 at 7:00 p.m.**

Mayor Ron Counts called the meeting to order at 7:02 pm.

The Pledge of Allegiance was recited.

Mr. Dennis Murphy, of Jeffco Express, offered the opening prayer.

Those present per roll call taken by City Clerk Diane Waller: Counts, Crisler, Lang, Connell, Moss, Moritz, Edwards, Freese, Lindsley, Waller, Unrein, Holden, Lewis, Boone, Shockey, Baker, Kroupa and Hall.

**ACCEPTANCE OF THE MINUTES:**

Bill Moritz moved to **accept the minutes of the September 16, 2010 meeting** if there were no deletions, errors or corrections. Jim Edwards seconded the motion.

Mr. Connell asked the minutes to reflect some changes. He referred to page 2, that in the last meeting he had asked Mr. Sweeney come to the mic and answer some questions (prior to his appointment) and he wanted this reflected in the minutes. He believed he was denied this opportunity. He also felt that the lawsuit that Mr. Hay had presented was identified by number only in the minutes and should have been included in its entirety and wanted to see the entire text added to the minutes. Discussion followed. Mr. Crisler advised it was identified by case number and is available from a number of venues. Mr. Connell felt it would be easier for the residents to have it if it was with the minutes. Mayor asked attorney for his opinion. Attorney Sweeney advised the entire lawsuit was not necessary, as it was public record and available using the number provided, but it was council's decision. He also advised council could vote on Mr. Connell's two issues as separate amendments.

Mr. Connell then offered a motion and so moved to have the comment about wanting to question Mr. Sweeney added to the minutes. Seconded by Bob Lindsley. Roll call vote: Crisler, yes; Lang, yes; Connell, yes; Moss, yes; Moritz, yes; Edwards, no; Freese, yes; Lindsley, yes; 7 yeas, 1 nay, **Motion carried.**

Mr. Connell then offered a motion and so moved to have the entire lawsuit included in the minutes and so moved. Seconded by Bob Lindsley. Roll call vote: Crisler, no; Lang, no; Connell, yes; Moss, no; Moritz, no; Edwards, no; Freese, no; Lindsley, yes; 6 yeas, 2 nays, **Motion failed.**

Mr. Moritz and Mr. Edwards both withdrew their original motion to accept the minutes.

Jason Connell offered **a motion and so moved to accept the minutes as amended** and so moved. Seconded by Bob Lindsley. Roll call vote: Crisler, yes; Lang, yes; Connell, yes; Moss, yes; Moritz, yes; Edwards, yes; Freese, yes; Lindsley, yes; 8 yeas, **motion carried.**

#### ACCEPTANCE OF THE WARRANTS:

City Clerk Diane Waller read **Payroll warrant #1091**. Paul Freese moved **to pay payroll warrant #1091 in the amount of \$247,857.59 if** the monies are available. Seconded by Ken Moss. Roll call vote: Lindsley, yes; Crisler, yes; Lang, yes; Connell, yes; Moss, yes; Moritz, yes; Edwards, yes; Freese, yes; 8 yeas, **Motion carried.**

City Clerk Diane Waller read **general warrant #5532**. Jim Edwards **moved to pay general warrant #5532 in the amount of \$ 1,322,522.33 if** the monies are available. Seconded by Cricky Lang. Roll call vote: Crisler, yes; Lang, yes; Connell, yes; Moss, yes; Moritz, yes; Edwards, yes; Freese, yes; Lindsley, yes; 8 yeas, **Motion carried.**

Mayor recognized Boy Scout, Zach Hawkins, from Rockport Troop 892, working on his Citizenship in the community badge.

#### BUSINESS FROM THE FLOOR

The Mayor explained how anyone could speak for up to 3 minutes on any topic, but first must identify himself or herself and state their address.

**Mr. Lloyd Rodgers, 861 Morningside**, expressed his feelings that no one has the right to upset a meeting and asked where the gavel was the night of September 16, 2010.

Mayor acknowledged he made some mistakes that night by allowing someone to direct inappropriate comments at staff, adding it is difficult, and he will do his best in the future.

**Butch Cooley, 2145 Lonedell**, provided car show update and reported it went very well. He recognized Linda Poor, John Brazeal, Randy Crisler and Chief Shockey for all their efforts in making this a success. He added the proceeds have gone towards the purchase of a canine.

**Doris Borgelt, 653 Louisa**, asked council questions regarding why the lawsuit wasn't in the minutes, why Christian Brothers Automotive was being considered for the Triangle when Best Auto wasn't allowed and why the warrants are not available on line.

**Mr. Jeff Otto, representing THF (2127 Interbelt Dr)** and Christian Brothers Automotive, expressed he felt this business will be a welcome addition to the city.

Mayor requested Item 14A the Conditional Use Permit for Christian Brothers be moved to this part of the meeting.

Bill Moritz offered **a motion to amend the agenda so that Item 14A could be moved forward and discussed now** and so moved. Seconded by Randy Crisler. Roll call vote: Crisler, yes; Lang, yes; Connell, yes; Moss, yes; Moritz, yes; Edwards, yes; Freese, yes; Lindsley, yes; 8 yeas, **motion carried.**

Matt Unrein shared what limited info he had regarding the action in the past regarding an automotive shop in the Triangle. He stated that if no action is taken, it stands approved. No council action taken, CUP stands approved.

## **ORDINANCES**

**BILL NO. 2428 AN ORDINANCE APPROVING A RECORD PLAT “A BOUNDARY ADJUSTMENT PLAT OF LOT 14 OF ARNOLD COMMONS PLAT TWO”** was read twice by City Clerk Diane Waller Roll call vote: Crisler, yes; Lang, yes; Connell, yes; Moss, yes; Moritz, yes; Edwards, yes; Freese, yes; Lindsley, yes; 8 yeas. **Ordinance passed.**

**Bill No. 2429 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 FINANCING AND REFINANCING CERTAIN ROAD IMPROVEMENTS; AND APPROVING THE EXECUTION OF CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH** was read twice by City Clerk Diane Waller. Roll call vote: Crisler, yes; Lang, yes; Connell, yes; Moss, yes; Moritz, yes; Edwards, yes; Freese, yes; Lindsley, yes; 8 yeas, **Ordinance passed.**

**Bill No. 2430 AN ORDINANCE PROVIDING FOR AN ADJUSTMENT TO THE FISCAL YEAR 2011 BUDGET AND PROVIDING FOR A DESIGNATED FUNDS FOR THE OPERATION OF A CITY BUS ROUTE** was discussed. Mr. Crisler requested an amendment and offered **a motion to read more clearly by adding “by the Jeffco Express on behalf of the City of Arnold”** and so moved. Seconded by Paul Freese. Roll call vote: Crisler, yes; Lang, yes; Connell, yes; Moss, yes; Moritz, yes; Edwards, yes; Freese, yes; Lindsley, yes; 8 yeas. **Motion carried.**

**Bill No. 2430 as amended**, was read twice by City Clerk Diane Waller. Roll call vote: Crisler, yes; Lang, yes; Connell, yes; Moss, yes; Moritz, yes; Edwards, yes; Freese, yes; Lindsley, yes; 8 yeas, **Ordinance passed.**

**Bill No. 2431 AN ORDINANCE PROVIDING FOR AN ADJUSTMENT TO THE FISCAL YEAR 2011 BUDGET** read twice by City Clerk Diane Waller.

Mr. Connell expressed his concern for spending this kind of money and thought this could be tabled for 6 months. Mayor explained how it is a safety issue. Roll call vote: Crisler, yes; Lang, yes; Connell, no; Moss, yes; Moritz, yes; Edwards, yes; Freese, yes; Lindsley, yes; 7 yeas, 1 nay, **Ordinance passed.**

## **RESOLUTIONS**

**Resolution No. 10-25 -A Resolution authorizing the Mayor to enter into a contract with Fribis Engineering, Inc. to Provide Phase II of the Sanitary Sewer Evaluation study (SSES)** was discussed. Randy Crisler offered a motion and he so moved.

Seconded by Paul Freese. Roll call vote: Crisler, yes; Lang, yes; Connell, yes; Moss, yes; Moritz, yes; Edwards, yes; Freese, yes; Lindsley, yes; 8 yeas, **Resolution passed.**

**Resolution No. 10-26 -A Resolution authorizing the Mayor to enter into a contract with URS to Provide Engineering Design Services of the Intersection at Old Lemay Ferry Road and Richardson Road.** Cricky Lang offered a motion and she so moved.

Seconded by Bill Moritz. Roll call vote: Crisler, yes; Lang, yes; Connell, yes; Moss, yes; Moritz, yes; Edwards, yes; Freese, yes; Lindsley, yes 8 yeas, **Resolution passed.**

**Resolution No. 10-27 – A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH LORENZ AND ASSOCIATES FOR THE ROOF REPLACEMENT AT THE COMMUNITY BUILDING, PUBLIC WORKS OFFICES, AND THE PUBLIC WORKS BREAK ROOM.** Paul Freese offered a motion and he so moved. Seconded by Bob Lindsey. Roll call vote: Crisler, yes; Lang, yes; Connell, yes; Moss, yes; Moritz, yes; Edwards, yes; Freese, yes, Lindsley, yes; 8 yeas, **Resolution passed.**

Ken Moss offered a motion to award Allstate Capital the Lease for the Replacement of Equipment at the Recreation Center and he so moved. Seconded by Jason Connell. Roll call vote: Crisler, yes; Lang, yes; Connell, yes; Moss, yes; Moritz, yes; Edwards, yes; Freese, yes; Lindsley, yes; 8 yeas, **Motion carried.**

**A motion was offered by Bob Lindsley to hold a closed session immediately following the city council meeting for the purpose of discussing litigation and personnel pursuant to RSMO Section 610.021 (1), (3) and he so moved.** Seconded by Paul Freese. Roll call vote: Crisler, yes; Lang, yes; Connell, yes; Moss, yes; Moritz, yes; Edwards, yes; Freese, yes; Lindsley, yes; 8 yeas, **Motion carried.**

## **NEW BUSINESS**

None

## **OLD BUSINESS**

Bob Lindsley again questioned the validity of the mayor voting to break the tie in a previous meeting. He would like to have Mr. Unrein get an Attorney General's opinion so we would have clarification.

Attorney Sweeney advised state statutes clearly state the Mayor can break a tie.

Randy Crisler expressed his excitement with the Jeffco Express Bus Service.

## **COMMITTEE REPORTS**

Bob Lindsley stated there had been a Tourism meeting yesterday and invited Council Chamber's Kelly Feldman to be part of EDC. He added the Diamond Rio concert is this Saturday.

## **REPORTS FROM MAYOR & COUNCIL**

**Mayor Counts** – Talked about everyone wearing their “pink” tonight to show support for October being Breast Cancer Awareness month. Elaborated on the upcoming Veteran's Wall Tribute activities and encouraged attendance. He also mentioned the Comprehensive Plan and appointed Ken Moss and Cricky Lang to that committee.

**Ward 4 – Jason Connell** – No Report

**Ward 4 – Ken Moss** – Read a prepared statement (attached) alleging fraud and wrong doing on the part of Jason Connell in regards to his rec center membership. Jason defended his action saying Susie Boone authorized it and he assumed it was correct to do. Mayor will see this is investigated.

**Ward 3 – Bob Lindsley** – Reported there will be a Key West subdivision meeting October 19<sup>th</sup> in Council Chambers.

**Ward 3 – Paul Freese** - No Report

**Ward 2 – Bill Moritz** – Elaborated on Proposition A in the November election and expressed his feeling that it would be devastating if it passes.

**Ward 2 – Jim Edwards** – No report

**Ward 1 – Cricky Lang** – Spoke briefly about the comprehensive plan and the need for ward reps.

**Ward 1 – Randy Crisler** – No Report

## **ADMINISTRATIVE REPORTS**

**City Administrator Matt Unrein** – Asked council to think about suspending the fall brush pickup program because of costs and man-hours. Would like some input.

**Treasurer Dan Kroupa** – No Report

**City Clerk – Diane Waller** - Explained the upcoming Lagers yearly meeting and asked if anyone was willing to go representing employer. Stated she would hold an employee election, as in the past, for the employee delegate. No one on council was interested and Mayor suggested Mr. Hall attend. He responded he did not think he was able but Mayor asked someone to consider attending.

Ms. Waller also indicated city ordinances do not allow fireworks unless city grants permission. It is reported there will be fireworks at the closing of the Veteran's Tribute Wall. Paul Freese **offered a motion to grant permission for fireworks on October 17<sup>th</sup> for the closing of the Veteran's Tribute Wall** and so moved. Seconded by Jason Connell. Roll call vote: Crisler, yes; Lang, yes; Connell, yes; Moss, yes; Moritz, yes; Edwards, yes; Freese, yes; Lindsley, yes, 8 yeas, **motion carried**.

**Chief Shockey** - Recognized that Sgt. Darren Rodgers would be the recipient of The Medal of Valor, a very distinguished honor. Chief also indicated that he (the Chief) and another officer would be attending the Command School in Jefferson City, which is much like the FBI Academy.

**Parks Director Susie Boone** – Advised the Senior Expo is October 13<sup>th</sup> at the Rec Center. Also made everyone aware that October 20 and 21, the C-6 administrative personnel will assist our staff working at Strawberry Creek Nature area.

**Christie Hull -Bettalle** – No Report

**Bryson Baker** – Explained how the fall brush pickup takes 4 weeks and the use of many, many hours from the staff with Park and Street Departments. This time could be spent on other needed street repairs etc. and thought city could do only spring brush pickup. Mayor questioned if we could have an alternative for the residents, possibly a drop-off site.



**Deborah Lewis** – No Report

**Greg Hall** – Referred to Deion's memo regarding instructions to get the video from the council meetings. Announced tickets are still available for the concert this Saturday.

Bill Moritz added that he would like Dennis Murphy to talk a little bit about Hammers of Hope. Mr. Murphy provided some information as to what they do, explaining they build ramps for those with disabilities and provide groceries to those in need. He thanked Matt Unrein and Bill Moritz for their help in the past and is always looking for donations and assistance.

At 8:33 pm Mayor announced there would be a 10- minute recess and then an executive session.

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Executive session ended at 9:53 pm.

A motion to close regular meeting was offered by Jim Edwards. Seconded by Paul Freese. Voice Vote: all yeas.

Meeting ended at 9:53 pm.

Respectfully submitted,

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Diane Waller



