

# City of Arnold, Missouri

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**Public Hearing  
Council Chambers**

**October 4, 2012  
7:00 p.m.**

A. 2012-26, A Zoning Code Amendment to Define "Transient".

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**Council Meeting**

**Immediately Following the Public Hearing**

## **Agenda**

1. Pledge of Allegiance:
2. Opening Prayer: Oasis Church – Rev. Mike Costello
3. Roll Call:
4. Acceptance of Minutes: **September 20, 2012**
5. Acceptance of Warrants: **Payroll Warrant #1143 - General Warrant #5580**
6. Business From the Floor:
7. Ordinances:
  - A. **Bill No. 2523:** An Ordinance Amending the Zoning Ordinance, Bill No. 285, Ordinance No. 14.2 Relating to Section 18, Definition of Transient.
  - B. **Bill No. 2524:** An Ordinance Providing for an Adjustment to the Fiscal Year 2013 General Budget Reallocating Funds for Facility Maintenance Staffing.
8. Resolutions:
  - A. **Resolution 12-53:** A Resolution Appointing Jason Doyle Fulbright to the Planning Commission for a Four-Year Term.
  - B. **Resolution 12-54:** A Resolution Authorizing the Mayor to Execute a Scope of Services Agreement with the Arnold Chamber of Commerce.
  - C. **Resolution 12-55:** A Resolution Authorizing Execution of a Perpetual Utility Easement from SCI Missouri Funeral Services, Inc.
9. Motions:
  - A. A Motion to Accept the Unit Price of \$8.15 per Square Yard for Asphalt from E. Meier Construction as bid in August 2012.

B. A Motion to Hold a Closed Session Immediately Following the City Council Meeting for the Purpose of Discussing Litigation, Real Estate and Personnel Pursuant to RSMo Section 610.021 (1), (2), (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 October 18, 2012 at 7:00 p.m.**  
**Next Work Session Meeting October 11, 2012 at 7:00 p.m.**

September 28, 2012  
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Mayor Ron Counts called the meeting to order at 7:04 pm.

The Pledge of Allegiance was recited.

Rev Mike Costello from Oasis Church did the opening prayer.

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

#### ACCEPTANCE OF MINUTES:

Sandra Kownacki advised there was a correction as she did not make a statement about the Aging and Disability meeting as she is not on that committee. Ms. Waller acknowledged that would be corrected. Ms. Hohmeier referred to discussion about Resolution No 12-50, advising the minutes referred to her saying local bid. This needs to be corrected to "lowest" bid. Ms. Waller advised that would be corrected also.

**Bill Moritz made a motion and moved to accept the minutes as amended for the September 20, 2012 meeting if there are no more errors, deletions, or corrections.** Seconded by Ken Moss. Roll call vote on amended minutes. Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; Hohmeier, yes; 8 yeas, **motion carried.**

#### ACCEPTANCE OF WARRANTS:

City Clerk Diane Waller read Payroll Warrant #1143. **Cricky Lang made a motion and moved to pay Payroll Warrant #1143 in the amount of \$261,497.02** if the funds are available. Seconded by Bill Moritz. Roll call vote: Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; Hohmeier, yes; 8 yeas, **Motion carried.**

City Clerk Diane Waller read General Warrant #5580. **Bill Moritz made a motion and moved to pay General Warrant #5580 in the amount of 969,543.54 if monies are available.** Seconded by Cricky Lang. Roll call vote: Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; Hohmeier, yes, 8 yeas, **Motion carried.**

#### BUSINESS FROM THE FLOOR

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

**Ms. Kay Morlan**, 646 Emil, shared she has owned the property with her sister since May and the street is terrible. It needs to be widened and questioned if that could be done. She offered photos to the Chief and questioned where years ago the previous owner was offered money for an easement. She would be willing as the street needs to be widened.

**Mrs. Mary Busby-Simpson**, 2945 Bee Tree Lane, and owner of the commercial property occupied by the former Checkered Flag Motors at the corner of Jeffco and Church spoke. She requested another extension due to hardships and other circumstances that have prevented them from completing.

Mr. Amato asked council to allow another extension for 30 days.

Mrs. Hohmeier stated she didn't feel this was a safety issue and since they owned the property she felt city should allow, acknowledging they have made progress.

Chief added they are violating our ordinances but council can choose to allow this.

Mayor allowed a poll taken to allow another 30 days. 8 years.

Mr. Moritz stated he did not want to waive the ordinance.

**Mr. Wally Lionberger**, spoke on behalf of the Chamber of Commerce, sharing how the city contract with the Chamber allows them to provide for many things. He provided much detail on what all the Chamber is able to do.

**Councilwoman Borgelt** asked the Mayor if she could excuse herself from council and speak from business from the floor. Mayor questioned if she would like to speak at another time during the meeting but she insisted she wished to speak now.

Ms. Borgelt then stated, "My name is Doris Borgelt, I live at 653 Louisa Drive at our last meeting, we as a council, held a closed session that was supposed to be regarding personnel. In reality, that session was closed in an attempt to oust a fellow city councilmember. When he was not receptive to resigning, an attempt at forcing him out by drawing up articles of impeachment was discussed. This was not an appropriate closed session and violates Mo Open Meeting Laws. I am going to suggest that the public request an audit by the state auditor's office. Thank you".

Bill Moritz posed a question to city attorney Sweeney stating this was just a revelation of information that was held in a close session in an inappropriate manner. Ms. Borgelt, by stepping down away from this podium, actually took herself out from under the umbrella of city protection so she's not really doing this quite right and Mr. Moritz asked for attorney's opinion on that.

Mr. Sweeney stated he did know if he had an opinion at this point. The information that was provided was not in detail. He disagreed with the notion that it wasn't a personnel issue because he felt it was a personnel issue. There was no revelation about the particular individual employee involved. Any action taken against an elected official does need to be taken in public session, but no such action was taken.

**BILL NO. 2523 – AN ORDINANCE AMENDING THE ZONING ORDINANCE, BILL NO. 285, ORDINANCE NO. 14.2 RELATING TO SECTION 18, DEFINITION OF TRANSIENT** was read twice by City Clerk Diane Waller. Roll call vote: Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; Hohmeier, yes; 8 yeas, **Ordinance passed.**

**BILL NO. 2524 – AN ORDINANCE PROVIDING FOR AN ADJUSTMENT TO THE FISCAL YEAR 2013 GENERAL BUDGET REALLOCATING FUNDS FOR FACILITY MAINTENANCE STAFFING** was explained by Chief Shockey and Finance Director Deb Lewis. The bill was read twice by City Clerk Diane Waller. Roll call vote: Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; Hohmeier, yes; 8 yeas, **Ordinance passed.**

## **RESOLUTIONS**

**RESOLUTION NO. 12-53 – A RESOLUTION APPOINTING JASON DOYLE FULBRIGHT TO THE PLANNING COMMISSION FOR A FOUR-YEAR TERM** was discussed.

Mrs. Hohmeier commented that the resume indicated he was working on several state, local and city campaigns. Mrs. Hohmeier questioned the Mayor if he knew what city campaign Mr. Fulbright was working on. Mayor stated he did not know and felt this was irrelevant anyway. Mrs. Hohmeier disagreed and continued with questions as to how he found out about the opening. Mayor acknowledged Mr. Fulbright was told about it. Mayor added Mr. Fulbright has helped with other city boards, Farmer's Market etc. and Mayor felt he would be a good candidate. Ms. Borgelt stated the last time she spoke with Mr. Fulbright, he said he was the campaign Manager for Mayor Counts. Mr. Counts told her she had her wires crossed, as he is not his campaign manager. Paul Freese offered a **motion to approve and so moved.** Seconded by Bill Moritz. Roll call vote: Moritz, yes; Amato, yes; Freese, yes; Kownacki, no; Moss, no; Borgelt, no; Lang, no; Hohmeier, no; 3 yeas, 5 nays, **Resolution failed.**

**RESOLUTION NO. 12-54 – A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SCOPE OF SERVICES AGREEMENT WITH THE ARNOLD CHAMBER OF COMMERCE.**

A motion was offered by Bill Moritz and he so moved on Resolution No. 12-54. Seconded by Doris Borgelt. Roll call vote: Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; Hohmeier, yes; 8 yeas; **Resolution passed.**

**RESOLUTION NO. 12-55 - A RESOLUTION EXECUTION OF A PERPETUAL UTILITY EASEMENT FROM SCI MISSOURI FUNERAL SERVICES, INC.** was discussed.

A motion was made by Bill Moritz and he so moved. Seconded by Michelle Hohmeier. Roll call vote: Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; Lang, yes; Hohmeier, yes; 8 yeas, **Resolution passed.**

**MOTIONS**

A motion to approve a unit price with E. Meier Contracting for the asphaltting project at City Park in the amount of \$8.15 per square yard was discussed.

Bill Moritz offered the motion and so moved. Seconded by Paul Freese. Roll call vote: Moritz, yes; Amato, no; Freese, yes; Kownacki, yes; Moss, no; Borgelt, no; Lang, yes; Hohmeier, yes; 5 yeas, 3 nays, **motion carried.**

**A motion to hold a closed session immediately following the City Council meeting for the purpose of discussing litigation, real estate and personnel pursuant to RSMO. Section 610.02 (1), (2), (3)** was offered by Paul Freese. Seconded by Bill Moritz. Roll call vote: Moritz, yes; Amato, yes; Freese, yes; Kownacki, no; Moss, no; Borgelt, no; Lang, no; Hohmeier, no; 5 nays, 3 yeas, **motion failed.**

**NEW BUSINESS**

None

**OLD BUSINESS**

Bill Moritz spoke about disaster preparedness and how council took the FEMA course. He also talked about what he had heard in a Municipal League presentation by the City Manager of Joplin and the destruction. He presented the Mayor a copy of the book written by the City Manager for Joplin that he found very good and found it worth sharing.

Michelle Hohmeier spoke to the audience tonight, advising people to be prepared. The city does what it can but people also need to be educated. The city can't supply everything for everybody.

Doris Borgelt added city has many mobile homes and slab homes and these folks need an area to go for shelter.

Doris Borgelt also questioned the city's ability to charge fines over \$500 as she interprets statutes differently and feels as a city, we can't do this. She referred to an ordinance city passed in 2003 where by fines can be imposed up to \$1000.

Mayor stated city does have shelter areas – one at the Rec Center and one at First Baptist Church. He added the ambulance district offers classes for emergency preparedness and maybe we need to look at this.

## **COMMITTEE REPORTS**

None

## **REPORTS FROM MAYOR & COUNCIL**

**Mayor Ron Counts** – Stated he had no report but wanted to thank Mr. Wilde for doing a great job and for his many years of service to the community.

**Ward 4 – Sandra Kownacki** – No report

**Ward 4 - Ken Moss** – No report

**Ward 3 – Phil Amato** – Asked if Finance Committee could do a cost recovery analysis versus other rec centers. He shared there is a classical concert next week on Friday evening at St. John's Lutheran and proceeds benefit the food pantry.

**Ward 3 – Paul Freese** – Referred to an article in the Leader and expressed it both disappointed and irritated him. He asked someone to name a park or Rec Center that makes money, adding this is an amenity for our community. He compared them to our streets and our police department, they don't make money, they cost money to maintain, but where would we be without them.

**Ward 2 – Bill Moritz** – Asked if he could do his report last since he was sharing a video.

**Ward 2 - Michelle Hohmeier** – Disagreed with Mr. Freese’s opinion on the Rec Center and Golf Course. She felt the city should sell them if they don’t make money or break even. We don’t need these amenities that are luxuries but do need street repair, sewers etc.

**Ward 1 - Cricky Lang** – No report

**Ward 1 – Doris Borgelt** - No report

Mr. Moritz added people have differing viewpoints on the Parks and golf course.

Councilman Moritz shared a video and encouraged people to get involved. If you have an idea, maybe something can be done.

He also expressed his feelings on the vote tonight to hold a close session. We had business to do and a closed meeting was needed for a real estate issue. There have been accusations by Doris in the past of back door meetings and here’s an example. You just saw one tonight.

## **ADMINISTRATIVE REPORTS**

**Treasurer Kroupa** - Excused

**Interim City Administrator/Chief Shockey** – No report

**City Clerk Diane Waller** – No report

**Susie Boone** – No report

**Mary Holden** – Proudly reported the City of Arnold will be receiving an award for Outstanding Comprehensive Plan of the Year by the Mo Chapter of the American Planning Association next week in Kansas City at the State APA Conference.

**Bryson Baker** –Reported the Board of Directors - East West Gateway Council approved the T.I.P. for 2013 and the Michigan Avenue Project was approved. City will soon go out for RFQs for design. An agreement will be coming soon. He also indicated the roundabout will have a soft opening next Wednesday. There is still work to do, but it will be functional, with temporary signage. Work will still continue.

**Attorney Bob Sweeney** – Stated he was sorry the closed session wouldn’t happen tonight and feared we may have put in jeopardy the largest building project in the history of Arnold.



7

Regular Meeting  
October 4, 2012

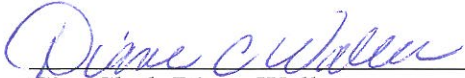
**Deb Lewis** – Finance Committee meeting will be held October 18 and the Auditor will be here for that meeting and will also be here the week of October 22 for about a week.

**Greg Hall** – Reported on the upcoming classical concert and tickets are available at St. John's, the Arnold Food Pantry and the Rec Center. He added the Gobble Run registration is on line and being accepted at the Rec Center.

A motion was offered by Bill Moritz to adjourn the meeting. Seconded by Ken Moss.

Voice Vote: all yeas.

Meeting adjourned at 8:07 pm.

  
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City Clerk Diane Waller



CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: REGULAR

DATE: 10/4/2012

PAGE: 1

BILL NO - RESOLUTION - MOTION

	ROLL CALL	APPROVE 9/20/12 MINUTES AS AMENDED	APPROVE PAYROLL WARRANT NO. 1143	APPROVE GENERAL WARRANT NO. 5580	APPROVE BILL NO. 2523	APPROVE BILL NO. 2524
<b>COUNCIL MEMBERS:</b>						
<b>MAYOR</b> <u>RON COUNTS</u>	PRESENT					
<b>COUNCIL:</b> <u>BILL MORITZ</u>	PRESENT	YES	YES	YES	YES	YES
<b>COUNCIL:</b> <u>PHIL AMATO</u>	PRESENT	YES	YES	YES	YES	YES
<b>COUNCIL:</b> <u>PAUL FREESE</u>	PRESENT	YES	YES	YES	YES	YES
<b>COUNCIL:</b> <u>SANDRA KOWNACKI</u>	PRESENT	YES	YES	YES	YES	YES
<b>COUNCIL:</b> <u>KEN MOSS</u>	PRESENT	YES	YES	YES	YES	YES
<b>COUNCIL:</b> <u>DORIS BORGELT</u>	PRESENT	YES	YES	YES	YES	YES
<b>COUNCIL:</b> <u>CRICKY LANG</u>	PRESENT	YES	YES	YES	YES	YES
<b>COUNCIL:</b> <u>MICHELLE HOHMEIER</u>	PRESENT	YES	YES	YES	YES	YES
<b>INTERIM ADMINIS TRATOR/ CHIEF OF POLICE</b> <u>BOB SHOCKEY</u>	PRESENT		<b>PARKS DIR:</b>	<u>SUSIE BOONE</u>		PRESENT
<b>CITY CLERK:</b> <u>DIANE WALLER</u>	PRESENT		<b>PUBLIC WORKS:</b>	<u>BRYSON BAKER</u>		PRESENT
<b>COM DEV DIR:</b> <u>MARY HOLDEN</u>	PRESENT		<b>TREASURER:</b>	<u>DAN KROUPA</u>		EXCUSED
<b>FINANCE DIR:</b> <u>DEBORAH LEWIS</u>	PRESENT		<b>DIR. OF ADMIN.</b>	<u>GREG HALL</u>		PRESENT
<b>CITY COUNSELOR</b> <u>BOB SWEENEY</u>	PRESENT					



CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: REGULAR

DATE: 10/4/2012

PAGE: 2

BILL NO - RESOLUTION - MOTION

	APPROVE RESOLUTION NO. 12-53	APPROVE RESOLUTION NO. 12-54	APPROVE RESOLUTION NO. 12-55	MOTION TO APPROVE UNIT PRICE WITH E. MEIER CONTRACTING	MOTION TO HOLD CLOSED SESSION	
<b>COUNCIL MEMBERS:</b>						
<b>MAYOR</b> <u>RON COUNTS</u>						
<b>COUNCIL:</b> <u>BILL MORITZ</u>	YES	YES	YES	YES	YES	
<b>COUNCIL:</b> <u>PHIL AMATO</u>	YES	YES	YES	NO	YES	
<b>COUNCIL:</b> <u>PAUL FREESE</u>	YES	YES	YES	YES	YES	
<b>COUNCIL:</b> <u>SANDRA KOWNACKI</u>	NO	YES	YES	YES	NO	
<b>COUNCIL:</b> <u>KEN MOSS</u>	NO	YES	YES	NO	NO	
<b>COUNCIL:</b> <u>DORIS BORGELT</u>	NO	YES	YES	NO	NO	
<b>COUNCIL:</b> <u>CRICKY LANG</u>	NO	YES	YES	YES	NO	
<b>COUNCIL:</b> <u>MICHELLE HOHMEIER</u>	NO	YES	YES	YES	NO	
<b>INTERIM ADMINIS TRATOR/ CHIEF OF POLICE</b> BOB SHOCKEY				<b>PARKS DIR:</b> SUSIE BOONE		
<b>CITY CLERK:</b> DIANE WALLER				<b>PUBLIC WORKS:</b> BRYSON BAKER		
<b>COM DEV DIR:</b> MARY HOLDEN				<b>TREASURER:</b> DAN KROUPA		
<b>FINANCE DIR:</b> DEBORAH LEWIS				<b>DIR. OF ADMIN.</b> GREG HALL		
<b>CITY COUNSELOR</b> BOB SWEENEY						

