

City of Arnold, Missouri

**Public Hearing
Council Chambers**

**September 06, 2012
7:00 p.m.**

- A. Zoning Code Amendment to Section 4, Application of District Regulations, Planning Commission Recommendation.
-

Council Meeting

Immediately Following the Public Hearing

Agenda

1. Pledge of Allegiance:
2. Opening Prayer: Mount Carmel General Baptist Church - Rev. Perry Welker
3. Roll Call:
4. Acceptance of Minutes: **August 16, 2012**
5. Acceptance of Warrants: **Payroll Warrant #1141 - General Warrant #5578**
6. Business From the Floor:
7. Ordinances:
 - A. **Bill No. 2517:** An Ordinance Amending Chapter II, Article IX, of the Code of Ordinance Relating to Disclosure of Conflicts of Interest and Substantial Interests.
 - B. **Bill No. 2518:** An Ordinance Amending Appendix B – Zoning, Ordinance No. 14.2, Bill No. 285, Requiring all uses be Operated in a Structure.
8. Resolutions:
 - A. **Resolution 12-46:** A Resolution Authorizing the Purchase of a Speed Trailer From Drug Forfeitures Proceeds.
 - B. **Resolution 12-47:** A Resolution Authorizing the Mayor to Enter into a Contract with PSC Environmental Services to Provide Household Hazardous Waste Collection Services.
 - C. **Resolution 12-48:** A Resolution Appointing Walter Bowers to the Board of Adjustments to Complete an Unexpired Five-Year Term.
9. Motions:
 - A. A Motion to Hold a Closed Session Immediately Following the City Council Meeting for the Purpose of Discussing Litigation Pursuant to RSMo Section 610.021(1).
10. New Business:

11. Old Business:
 - A. Hiring Surveyor to Produce Right of Way Vacation Plat for Madison Avenue.
12. Committee Reports:
13. Reports from Mayor and Council:
14. Administrative Reports:
15. Adjournment

Next Regular Council Meeting September 20, 2012 at 7:00 p.m.

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

August 31, 2012

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

The Pledge of Allegiance was recited.

Mayor Counts did the opening prayer.

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

ACCEPTANCE OF MINUTES:

Bill Moritz made a motion and moved to accept the minutes of the August 16, 2012 meeting if there are no errors, deletions, or corrections. Seconded by Ken Moss. Roll call vote: Lang (excused); Hohmeier, yes; Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; 7 yeas, **motion carried.**

ACCEPTANCE OF WARRANTS:

City Clerk Diane Waller read Payroll Warrant #1141. **Doris Borgelt made a motion and moved to pay Payroll Warrant #1141 in the amount of \$255,352.37** if the monies are available. Seconded by Michelle Hohmeier. Roll call vote: Lang (excused); Hohmeier, yes; Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; 7 yeas, **Motion carried.**

City Clerk Diane Waller read General Warrant #5578. Doris Borgelt **made a motion and moved to pay General Warrant #5578 in the amount of \$769,323.17.** Seconded by Michelle Hohmeier. Roll call vote: Lang (excused); Hohmeier, yes; Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; 7 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.

Mrs. Mary Busby-Simpson, 2945 Bee Tree Park, spoke. She identified herself as the wife of Ron Simpson, and also one of the owners of the commercial property at Jeffco and Church (formerly Checkered Flag Motors). She provided background and indicated they had received a summons to clean up the lot and they have made significant improvement so it is no longer an eyesore. She was asking for consideration and needed more time to continue.

Chief Shockey addressed her remarks, clarifying it was not a summons but the business license was pulled as there was no water at that location. He verified city is following code and extra time was given in order to allow the cleanup. If the council wants to allow them additional time, they may do that.

Bill Moritz thanked the owners for their clean up efforts and state he had no problem with an extension as they are trying to comply.

Ken Moss agreed but said a deadline was needed and felt 30 days was enough additional time.

Council appeared to all agree and Chief announced they would allow an additional 30 days from today to complete their cleanup.

ORDINANCES

BILL NO. 2517 – AN ORDINANCE AMENDING CHAPTER 2, ARTICLE IX, OF THE CODE OF ORDINANCES RELATING TO DISCLOSURE OF CONFLICTS OF INTERESTS AND SUBSTANTIAL INTERESTS was read twice by City Clerk Diane Waller.

Chief explained how this action takes place every year and other than the date, there is no change to the contents.

Roll call vote: Lang (excused); Hohmeier, yes; Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; 7 yeas; **Ordinance passed.**

BILL NO. 2518 – AN ORDINANCE AMENDING APPENDIX B – ZONING ORDINANCE NO. 14.2, BILL NO. 285, REQUIRING ALL USES BE OPERATED IN A STRUCTURE was discussed.

Comments were made by council members. Doris Borgelt did not feel this was needed and would not support this. Michelle Hohmeier felt this would limit small businesses coming to Arnold. Sandra Kownacki questioned how this affected a current business having an issue with no building. Ms. Holden clarified that plan was site specific and indicated there were 3 buildings. Attorney shared that staff interprets our present ordinance as structures are required for a business license and this would clarify that.

City Clerk Diane Waller read the bill twice. Roll call vote: Lang (excused); Hohmeier, no; Moritz, yes; Amato, no; Freese, yes; Kownacki, no; Moss, no; Borgelt, no; 2 yeas, 5 nays, **Ordinance failed.**

RESOLUTIONS

RESOLUTION NO. 12-46 – A RESOLUTION AUTHORIZING THE PURCHASE OF A SPEED TRAILER FROM DRUG FORFEITURE PROCEEDS.

City Clerk Diane Waller read Resolution No. 12-46. Sandra Kownacki offered a motion and she so moved **to accept Resolution No. 12-46**. Seconded by Michelle Hohmeier. Roll call vote: Lang (excused); Hohmeier, yes; Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; 7 yeas, Resolution **passed**.

RESOLUTION NO. 12-47 – A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH PSC ENVIRONMENTAL SERVICES TO PROVIDE HOUSEHOLD HAZARDOUS WASTE COLLECTION SERVICES was discussed.

Chief and Finance Director explained how the staff came to their recommendation and this was followed with many questions and comments.

Ken Moss elaborated on what a good job Tradebe did in the past and now staff is making an educated guess as to what another would do, based on their bid.

Chief explained how staff took certain costs and times those costs by what they thought could be brought in to figure the actual estimated costs expected.

Bill Moritz agreed Tradebe did a good job for the city in the past.

Phil Amato warned all about the city's bidding procedures that are in place and the need to abide by them.

Attorney Sweeney remarked he is marginally concerned and council needs to pick the best bid. If it is not the lowest bid there should be definite reasoning behind that decision.

Doris Borgelt reminded all, the city does have the right to refuse any and all bids.

After much discussion, Ken Moss made a **motion to amend the proposed Resolution and accept Tradebe as the best bid, basing it on city's previous experience with that company. This would be in an amount not to exceed \$23,467.00**. Seconded by Sandra Kownacki. Roll call vote: Lang (excused), Hohmeier, no; Moritz, no; Amato, no; Freese, no; Kownacki, yes; Moss, yes; Borgelt, yes; 3 yeas, 4 nays, **motion failed**.

A motion was made by Paul Freese to approve **Resolution No. 12-47** as presented, (with PSC Environmental Services). Seconded by Phil Amato. Roll call vote: Lang (excused); Hohmeier, yes; Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, no; 6 yeas, 1 nay, **Resolution passed.**

RESOLUTION NO. 12-48 A RESOLUTION APPOINTING WALTER BOWERS TO THE BOARD OF ADJUSTMENT TO COMPLETE AN UNEXPIRED FIVE-YEAR TERM was read by City Clerk Diane Waller. Paul Freese offered a motion to approve and so moved. Seconded by Phil Amato. Roll call vote: Lang (excused); Hohmeier, yes; Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; 7 yeas, **Resolution passed.**

MOTIONS

A MOTION TO HOLD A CLOSED SESSION IMMEDIATELY FOLLOWING THE CITY COUNCIL MEETING FOR THE PURPOSE OF DISCUSSING LITIGATION PURSUANT TO RSMo SECTION 610.021 (1) was offered by Bill Moritz. Seconded by Paul Freese. Roll call vote: Lang (excused); Hohmeier, yes; Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; 7 yeas, motion carried.

NEW BUSINESS

Michelle Hohmeier requested the agenda the council receives on Friday also be placed on the website on Friday. Chief acknowledged he would do this.

Ken Moss questioned the attorney about the Veteran's Park and city leasing the property. Mr. Sweeney reported the Veteran's group has retained counsel and they have all met. Mr. Moss wants to know if this is moving forward.

Attorney Sweeney indicated there are legal issues to work out and used previous arrangements to explain much like the partnering with the rec center property and adjoining library etc.

Attorney explained his concerns with giving property away. We must be careful. He is trying to not violate the law but will try to make the deal. Mr. Moss would like everyone to have a meeting to get this all resolved soon.

OLD BUSINESS

Ms. Borgelt felt the city, in the past, has had a similar land situation with property down by the river. Mary Holden explained the city has a lease and that property is in the flood plain.

Attorney explained flood plain property has a negligible value and the property wanted by the Veteran's Group was recently appraised and has a value. This makes a difference in handling this legally. He feels there may be other ways to make this work but we have to do it properly.

Mayor feels an agreement can be reached and will be brought back later for a vote.

Attorney reported that Councilwoman Lang had requested council revisit the issue of the vacation of right of way on Madison adjoining Mr. Pogorzelski's property. This request had been denied at a previous meeting.

Attorney voiced his opinion that this property would probably never be used by the city and a motion from the prevailing side would be needed if they wanted to revisit the issue. He feels city should be cautious but could vacate this if they desire.

Bill Moritz offered **the motion to revisit the issue to request to vacate the subject property**. Seconded by Sandra Kownacki. Roll call vote: Lang (excused); Hohmeier, yes; Moritz, yes; Amato, no; Freese, no; Kownacki, yes; Moss, yes; Borgelt, yes; 5 yeas, 2 nays; **motion carried**.

Discussion then followed. Mr. Freese indicated he would be voting no as this would set precedence. In the past, city has vacated property, only to have to buy it back. Mr. Amato brought up the issues of transparency reminding all that if you do something now; it could come back on you. You must stay consistent.

Mr. Kroupa questioned why city would vacate the property, rather than sell it.

Attorney commented that even though it is right of way Mr. Pogorzelski has been maintaining this, even though he did not own it. In a way, this could be seen as a reward for his efforts. It was attorney's opinion; this would be okay to do in this case.

Michelle Hohmeier made **a motion to direct staff to have a right of way vacation plat prepared for a portion of Madison Drive** and so moved. Seconded by Bill Moritz. Roll call vote: Lang (excused); Hohmeier, yes; Moritz, yes; Amato, no; Freese, no; Kownacki, yes; Moss, yes; Borgelt, yes; 5 yeas, 2 nays, **motion carried**.

COMMITTEE REPORTS

Liquor Chair Sandra Kownacki reported on the liquor control committee that met earlier this evening. She reported Ruby Tuesday is requesting a change in Managing Officer. Committee is recommending **Russell Lewis Spencer as the new Managing Officer**. She offered a **motion** and so moved to accept. Seconded by Bill Moritz. Roll call vote: Lang (excused); Hohmeier, yes; Moritz, yes; Amato, yes; Freese, yes; Kownacki, yes; Moss, yes; Borgelt, yes; 7 yeas, **motion carried**.

She also reported, for informational purposes only, that the city has provided a letter to Havana Cigar Room to seek a Missouri catering license. The City does not require this type of license and it is needed for an event to be held September 22 at Moss Enterprises.

Treasurer Kroupa reported the Finance Committee meeting normally held next week has been cancelled.

Michelle Hohmeier reported on the P & Z meeting where they voted to deny the 911 communications tower request.

REPORTS FROM MAYOR & COUNCIL

Mayor Ron Counts – Mayor Counts instructed the Chief to have on the work session a discussion regarding the 911 tower. He will have everyone involved there that evening but not until around 8 pm. Mayor also announced he would be making a press release announcing he was seeking another term as Mayor.

Ward 4 – Sandra Kownacki – Reported she had received calls on the Crosswinds incident and the concern expressed by those in the neighboring villas. She also talked about the trash being placed by someone other than who she thought was the homeowner. She was advised a letter had gone out allowing this as the mother lives there. She would like the man complaining be advised of this.

Ward 4 - Ken Moss – No report

Ward 3 – Phil Amato – No report

Ward 3 – Paul Freese – No report

Ward 2 – Bill Moritz – Thanked the chief and Mary for taking care of an issue.

Ward 2 - Michelle Hohmeier – No Report

Ward 1 - Cricky Lang - Excused

Ward 1 – Doris Borgelt - No Report

ADMINISTRATIVE REPORTS

Interim City Administrator/Chief Shockey – Announced all the council should have found key fobs in their mailboxes upstairs and how they would now work to allow them access to the building. Stated permanent wifi is now in the council chambers. State bids have been extended so Susie will be getting her trucks without the bid process.

City Clerk Diane Waller – Reported city has done everything possible to work with folks on their delinquent accounts. However, the time has now come and city is moving forward and most likely will be disconnecting a sewer line in the very near future. However, there are procedures to follow so that all is done correctly and legally

Mr. Sweeney explained the property at risk of losing service is connected to our sewers but is not in the city limits.

Ms. Waller also reminded all of the upcoming Lagers meeting in October and asked if anyone on the council wished to attend as the employer representative. She stated Greg Hall has offered to go. The staff will be holding an election for the employee delegate in 2 weeks.

Reminded all of the MML invitation from the Missouri Public Utility Alliance.

Susie Boone – Reported on the Patriot Golf Tournament held last Friday, announcing \$800 was raised and will be donated. Added this Saturday is the Arnold Days Tournament. Reminded everyone of the 9-11 Memorial Ceremony at 8 on Tuesday.

Mary Holden – No report

Bryson Baker – Reported on the progress of the construction project at 141 and Astra way, adding it should be completed by the end of October. Acknowledged the storm water department worked very hard preparing and cleaning in anticipation of the expected rainfall last weekend and we had no issues.

Attorney Bob Sweeney – No report.

Deb Lewis – No Report.

Greg Hall – Excused

Mayor announced a recess at 8:27 pm and then council will go into closed session.

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Regular Meeting
September 6, 2012

Closed session ended at 8:52 pm.

A motion was offered by Paul Freese to adjourn the meeting. Seconded by Ken Moss.

Voice Vote: all yeas.

Meeting adjourned at 8:52 pm.



City Clerk Diane Waller

CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: REGULAR

DATE: 9/6/2012

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BILL NO - RESOLUTION - MOTION

		ROLL CALL	APPROVE 8/16/2012 MINUTES	APPROVE PAYROLL WARRANT NO. 1141	APPROVE GENERAL WARRANT NO. 5578	APPROVE BILL NO. 2517	APPROVE BILL NO. 2518	
COUNCIL MEMBERS:								
MAYOR	RON COUNTS	PRESENT						
COUNCIL:	CRICKY LANG	EXCUSED	EXCUSED	EXCUSED	EXCUSED	EXCUSED	EXCUSED	
COUNCIL:	MICHELLE HOHMEIER	PRESENT	YES	YES	YES	YES	NO	
COUNCIL:	BILL MORITZ	PRESENT	YES	YES	YES	YES	YES	
COUNCIL:	PHIL AMATO	PRESENT	YES	YES	YES	YES	NO	
COUNCIL:	PAUL FREESE	PRESENT	YES	YES	YES	YES	YES	
COUNCIL:	SANDRA KOWNACKI	PRESENT	YES	YES	YES	YES	NO	
COUNCIL:	KEN MOSS	PRESENT	YES	YES	YES	YES	NO	
COUNCIL:	DORIS BORGELT	PRESENT	YES	YES	YES	YES	NO	
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	EXCUSED		
CITY COUNSELOR	BOB SWEENEY	PRESENT						

CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: REGULAR

DATE: 9/6/2012

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BILL NO - RESOLUTION - MOTION

	APPROVE RESOLUTION NO. 12-46	MOTION TO AMEND RESOLUTION NO. 12-47	APPROVE RESOLUTION NO. 12-47 AS PRESENTED	APPROVE RESOLUTION NO. 12-48	MOTION TO HOLD CLOSED SESSION	MOTION TO REVISIT REQUEST TO VACATE RIGHT OF WAY ON MADISON PROPERTY
COUNCIL MEMBERS:						
MAYOR RON COUNTS						
COUNCIL: CRICKY LANG	EXCUSED	EXCUSED	EXCUSED	EXCUSED	EXCUSED	EXCUSED
COUNCIL: MICHELLE HOHMEIER	YES	NO	YES	YES	YES	YES
COUNCIL: BILL MORITZ	YES	NO	YES	YES	YES	YES
COUNCIL: PHIL AMATO	YES	NO	YES	YES	YES	NO
COUNCIL: PAUL FREESE	YES	NO	YES	YES	YES	NO
COUNCIL: SANDRA KOWNACKI	YES	YES	YES	YES	YES	YES
COUNCIL: KEN MOSS	YES	YES	YES	YES	YES	YES
COUNCIL: DORIS BORGELT	YES	YES	NO	YES	YES	YES
INTERIM ADMINIS TRATOR/ CHIEF OF POLICE BOB SHOCKEY						
CITY CLERK: DIANE WALLER						
COM DEV DIR: MARY HOLDEN						
FINANCE DIR: DEBORAH LEWIS						
CITY COUNSELOR BOB SWEENEY						
			PARKS DIR:			SUSIE BOONE
			PUBLIC WORKS:			BRYSON BAKER
			TREASURER:			DAN KROUPA
			DIR. OF ADMIN.			GREG HALL

CITY OF ARNOLD, MISSOURI

ROLL CALL

MEETING: REGULAR

DATE: 9/6/2012

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BILL NO - RESOLUTION - MOTION

COUNCIL MEMBERS:

MAYOR RON COUNTS

COUNCIL: CRICKY LANG

COUNCIL: MICHELLE HOHMEIER

COUNCIL: BILL MORITZ

COUNCIL: PHIL AMATO

COUNCIL: PAUL FREESE

COUNCIL: SANDRA KOWNACKI

COUNCIL: KEN MOSS

COUNCIL: DORIS BORGELT

INTERIM
ADMINIS
TRATOR/
CHIEF OF
POLICE

BOB SHOCKEY

CITY CLERK:

DIANE WALLER

COM DEV DIR:

MARY HOLDEN

FINANCE DIR:

DEBORAH LEWIS

CITY COUNSELOR

BOB SWEENEY

	MOTION TO PREPARE RIGHT OF WAY VACATION PLAT FOR MADISON	MOTION TO APPROVE CHANGE IN MANAGING OFFICER FOR RUBY TUESDAY				
	EXCUSED	EXCUSED				
	YES	YES				
	YES	YES				
	NO	YES				
	NO	YES				
	YES	YES				
	YES	YES				
	YES	YES				

PARKS DIR:

SUSIE BOONE

PUBLIC WORKS:

BRYSON BAKER

TREASURER:

DAN KROUPA

DIR. OF ADMIN.

GREG HALL