

MINUTES
CITY COUNCIL REGULAR MEETING
FREDERICKTOWN, MISSOURI
DAY/DATE: MONDAY, APRIL 14, 2008
CITY HALL
6:30 PM

A. CALL TO ORDER AND ROLL CALL

Mayor Yates called the meeting to order and led the Pledge of Allegiance. Those present on roll call were: Alderman Tripp, Alderman Polete, Alderman Hale, Alderman Shrum and Alderman Fritch. Also present were: City Administrator O'Gara, City Attorney Moore, City Engineer Baer, City Clerk Stevens, Department Heads and visitors.

B. APPROVAL OF MINUTES

- 1) Minutes of the regular meeting of March 24, 2008. Corrections were noted to the Clerk, who would make the adjustments in the final copy. A motion was then made by Fritch with a second by Hale to approve the minutes as amended. Motion carried.

C. APPROVAL OF AGENDA

- 1) Additions or deletions.
Add:
 - a) Alderman Hale added two items to Closed Session: one potential litigation matter and one personnel matter.
- 2) A motion was made by Fritch with a second by Polete to approve the agenda as amended. Motion carried.

D. PUBLIC COMMUNICATIONS AND ANNOUNCEMENTS

- 1) None.

E. PRESENTATIONS

- 1) **Beautification Committee project for downtown area. (Jennifer Ballew)** Ballew representing the Beautification Committee addressed Council concerning the large aggregate plant containers in the downtown area. She said the Beautification Committee has several plans in the works including maintaining the three "Welcome to Fredericktown" towns as well as preparing the planters. The Committee is requesting the city's assistance in watering the planters once they are completed. The City took care of the watering one year while the next year the watering was done by the Boy's Ranch Home. Last year no one took on the project of watering. A discussion ensued as to who and how the watering could be accomplished. McDowell asked if he could have some time to come up with possible solutions and will report back to Council. Council agreed.

F. REPORTS OF OFFICERS

- 1) **Mayor's report.**
 - a) Replacement and additional appointment to the Ad Hoc Committee for Disabled Access. Mayor Yates recommended the replacement of Lauren Boland with Kathie Lawler as Boland had taken a job in another location. In addition, Gary Copeland from the Life Center of Farmington would be added to the committee. A motion was made by Tripp with a second by Fritch to approve the Mayor's recommendations. Motion carried.
 - b) Mayor Yates stated the 2006/2007 audit was still not ready. She went on to read some financial numbers from the preliminary audit report provided by the audit firm, Thurman, Shinn & Company. She went on to say it was a good audit with only three minor findings. She also said the City must be diligent to keep watch over the spending to prevent the City from falling into the same situation that happened in prior years.
 - c) On the electric sale issue, she said the City was half way through the sale process. The City is working to try and get out of the MOPEP pool contract. Once that was accomplished,

the next hurdle would be setting an election to finalize the franchise fee. On that note, her recommendation was to create a new ad hoc committee titled "Ad Hoc Electric Committee" to continue the ongoing process of the electric utility sale. Hale stated he felt the new aldermen and mayor should also be a part of the process. Mayor Yates appointed the following to the committee: Mark Tripp, Rick Polete, Sie Merriman, Sr., Ken Pierce, Phil Page, Tom Steska, John Singleton and Danny Kemp. Hale then asked if Steska and Singleton would represent a conflict of interest as they are employees of Black River Electric. Attorney Moore said "no" as long as they are not speaking on behalf of the city. A motion was then made by Tripp with a second by Shrum to approve the mayoral appointments. Motion carried.

G. REPORT FROM SPECIAL COMMITTEES AND STAFF

1) Administrator's report.

a) O'Gara read the list of meetings attended during the past several weeks.

- 2) Financial Director's report.** Finance Director referred Council to the reports distributed prior to the meeting. She proceeded to review the budget versus actual numbers. Wienecke also stated the Park Board had officially adopted their budget for this fiscal year.

H. OLD BUSINESS

- 1) None.

I. SPECIAL BUSINESS

1) Resolution verifying the election results from the general election held on April 8, 2008.

A motion was made by Tripp with a second by Polete to read the resolution in full. Motion carried. Moore read: "A Resolution verifying the election results from the General Election . . . on April 8, 2008, for the offices of Mayor, Alderman Ward I, Alderman Ward II, Alderman Ward III, City Marshal, City Collector and on the questions of 'Shall the City Collector and City Marshal be Appointed'. **Resolution 2008-04 duly adopted.**

- 2) Oaths of Office for the Mayor, Alderman Ward I, Alderman Ward II, Alderman Ward III, City Marshal, and City Collector.** Mayor Yates gave the Oath of Office to the newly elected Mayor, Danny Kemp. Newly elected Mayor Danny Kemp, in turn, gave the Oaths of Office to Aldermen Paul Fritch, Sie Merriman, Sr., Karen Wright and City Marshal John Wright and City Collector Erica Settle.

- 3) Election of the President of the Board.** A motion was made by Fritch with a second by Merriman to nominate Rick Polete as President of the Board. Motion carried unanimously.

- 4) Orientation presentation. (Moore)** Moore proceeded to give the members of council an overview of the process and procedure for our municipal government. Moore also referred Council to the Missouri Municipal League's manual for Newly Elected Officials which was distributed to each councilman. He said it was important to keep in mind the board operates as a "single" body . . . it passes laws, makes ordinances, provides payment of invoices, and provides a budget for the city to run. Robert's Rules of Order will be used to conduct business. Reminded Council of the Sunshine Law. Their key functions will be to manage the city's assets and finances. They will also play a key roll in acting as liaison between the public, particularly in their ward, and the Council in discussing issues in their ward or the city as a whole.

- 5) Presentation on challenges/opportunities. (O'Gara)** O'Gara gave a Powerpoint presentation on the challenges and opportunities of the city.

J. NEW BUSINESS

- 1) An Ordinance authorizing the Mayor to execute an agreement between City of Fredericktown and the State of Missouri, Department of Natural Resources, Division of State of Missouri, Department of Natural Resources, Division of State Parks, State Historic Preservation Office relative to the Fredericktown Courthouse Square Historic District nomination project.** Motion was made by Polete with a second by Fritch that as the ordinance was made available prior to the meeting it be read the first time by title only. Motion carried. Hale then questioned the "opt out" option. O'Gara responded by saying

everyone does not have to participate. Dismuke said a public hearing would be set allowing for any public input on the district. It would be at that time any public/property owner concerns or objections could be noted. Moore then read: "An Ordinance authorizing the Mayor to execute an agreement between City and State of Missouri . . . relative to the Fredericktown Courthouse Square Historic District nomination project". Voting results were: voting aye – Wright, Tripp, Polete; voting nay – Merriman, Hale, Fritch. Votes resulted in a tie. Mayor Kemp broke the tie voting aye. Motion was made by Polete with a second by Tripp to read the ordinance the second time by title only. Motion carried. Moore read the ordinance the second time. Voting aye – Wright, Polete, Tripp; voting nay – Merriman, Fritch, Hale. Votes result in a tie. Mayor Kemp broke the tie voting aye. **Ordinance 08-24 duly adopted.**

- 2) **An Ordinance authorizing the Mayor to execute an agreement between the City and Ruth Keenoy relative to professional services relating to the Fredericktown Courthouse Square Historic District nomination project.** Motion was made by Polete with a second by Wright that as the ordinance was made available prior to the meeting it can be read the first time by title only. Motion carried. Moore read: "An Ordinance authorizing the Mayor to execute an agreement between City and Ruth Keenoy . . . relative to professional services as stated in the Fredericktown Courthouse Square Historic District nomination project . . ." Voting results were: voting aye – Wright, Polete, Tripp; voting nay – Merriman, Hale, Fritch. Votes resulted in a tie. Mayor Kemp broke the tie voting aye. Motion was made by Polete with a second by Tripp to read the ordinance the second time by title only. Motion carried. Moore read the ordinance the second time. Voting results were: voting aye – Wright, Polete, Tripp; voting nay – Merriman, Hale, Fritch. Votes resulted in a tie. Mayor Kemp broke the tie voting aye. **Ordinance 08-25 duly adopted.**
- 3) Decision on offer of purchase of three (3) Siemens type single phase substation step voltage regulators from the Cap A substation project. O'Gara referred council to the proposal letter from Wake Electric, North Carolina. Moore did suggest a contract agreement for the liability portion of their proposal. Council concurred. A motion was then made by Tripp with a second by Hale to approve the sale. Motion carried.

K. ADDITIONAL BUSINESS

- 1) Accounts payable. A motion was made by Tripp with a second by Hale to pay the bills. Motion carried.

L. REMARKS OF PERSONAL PRIVILEGE BY ALDERMEN

- 1) Alderman Polete thanked Alderman Shrum and Mayor Yates for their two years of service and at the same time, welcomed the newly elected officials.
- 2) Alderman Polete said the newly revamped area of Marlowe Street had some difficulty with water drainage during the recent deluge of rain. He went on to say when it was discovered the sewer drain was blocked with debris, the police department assisted freeing the drain.
- 3) Alderman Tripp reiterated what Alderman Polete said regarding the old and newly elected officials.

M. REMARKS FROM GENERAL PUBLIC

- 1) Water Department Manager Junior Shell thanked the public works department for their assistance during a recent water main break on West Main.

N. CLOSED SESSION BUSINESS (As authorized RSMo Section 610.021) Motion was made by Polete with a second by Tripp to go into Closed Session. Roll call vote resulted in six ayes, zero nays, and zero absent. The account of the Closed Session is exempt from the public record and is on file in the office of the City Clerk pursuant to RSMo 610.024. The following motions and votes were taken in Closed Session:

- 1) Personnel matter – Discussion only. No voting actions taken.
- 2) Potential litigation matter – Discussion only. No voting actions taken.

Motion was made by Hale with a second by Tripp to return to Open Session. Motion carried.

O. **ANY OTHER BUSINESS**

1) None

P. **ADJOURNMENT.** Motion by Fritch to adjourn.

Danny E. Kemp, Mayor

ATTEST:

Barbara Stevens, City Clerk