

MINUTES  
CITY COUNCIL REGULAR MEETING  
FREDERICKTOWN, MISSOURI  
DAY/DATE: MONDAY, MAY 27, 2008  
CITY HALL  
6:00 PM

**A. CALL TO ORDER AND ROLL CALL**

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

**B. CLOSED SESSION BUSINESS (As authorized by RSMo Section 610.021)** Motion was made by Fritch 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) Discussion only. No voting action taken.

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

**C. APPROVAL OF MINUTES**

- 1) Minutes of the regular meeting of May 12, 2008. A motion was made by Fritch with a second by Hale to approve the minutes as presented. Motion carried.

**D. APPROVAL OF AGENDA**

- 1) Additions or deletions.  
Add:
  - a) Alderman Merriman added one item to Old Business: Clarification document approved at the last Council meeting.
- 2) A motion was made by Hale with a second by Tripp to approve the agenda as amended. Motion carried.

**E. PUBLIC COMMUNICATIONS AND ANNOUNCEMENTS**

- 1) None.

**F. PRESENTATIONS**

- 1) None.

**G. REPORTS OF OFFICERS**

- 1) **Mayor's report.**
  - a) Attended the Memorial Day service held on the Court Square.
  - b) Indicated he had been driving around town observing any high weeds and grass and noticed a large number of derelict/unlicensed vehicles.
  - c) Stated he had also noticed there were a lot of residents keeping more than the ordinance allowed number of dogs. This will need to be addressed.
  - d) Announced June 26<sup>th</sup> grand opening of the New Morning Star Apartments on North Chamber Drive from 2 pm to 4 pm.
  - e) Invited Council members to attend an economic development seminar in Cape Girardeau on Friday.

**H. REPORT FROM SPECIAL COMMITTEES AND STAFF**

- 1) **Administrator's report.**
  - a) Listed the meetings attended including the monthly MOPEP meeting in Columbia MO.
  - b) MOPEP announced the City's purchased power bills should decrease \$15,000 per year.
  - c) Working with the MOPEP pool on refinance options on the Cap A substation loan.
  - d) The airport grant project under the direction of Crawford, Murphy and Tilley held a pre-bid meeting today.
- 2) **Finance director's report.** Wienecke proceeded to review the monthly reports with council.

**I. OLD BUSINESS**

- 1) Discussion concerning the clarification document agreed upon at the May 12, 2008 council meeting. Merriman said he needed some clarification on statements made regarding accountability of the police department. Merriman went on to say Administrator O'Gara indicated at the last meeting he would not be responsible for the police department under the document. O'Gara clarified by stating under Ordinance the city administrator is responsible for those departments not specified in the Ordinance not under the jurisdiction of the Mayor, which would include the police department.

**J. REMARKS FROM GENERAL PUBLIC**

- 1) None.

**K. NEW BUSINESS**

- 1) **Request to cut hay at the Business Park.** O'Gara referred Council to the request from Robert Sullivan to cut hay. Hale stated he did not see any problem with allowing Sullivan to cut the hay if it were for his personal use and not for re-sale. O'Gara indicated Sullivan did not re-sale the hay. Moore indicated setting this precedence could be a problem. There should be a clear contractual separation between employment and the contract itself. Fritch suggested bidding in the future. Moore suggested opening it up for bid now. However, it was determined since Public Works Director McDowell had already received permission from council to cut hay on two other city properties (airport and landfill) the bidding process should start with next year. Moore said he would prepare a standard agreement document for each to sign to cut the hay this year. A motion was then made by Polete with a second by Tripp to proceed with Moore preparing the legal document. Motion carried.
- 2) **Update on Court Square dedication festivities. (Dismuke)** Dismuke indicated the Town Square event was being well received by a number of businesses and residents. He went on to explain Friday's kick-off events and invited all to participate.
- 3) **Update on City Administrator appraisal process.** A special meeting was set for Thursday, May 29<sup>th</sup> with the Mayor, Aldermen Hale and Fritch along with City Attorney Moore to finalize the appraisal form to be used. The Council will then meet in a special council meeting on Monday, June 2<sup>nd</sup> at 7:15 pm to tabulate the results and complete the appraisal process.
- 4) **Ordinance authorizing the Mayor to execute a release agreement between City and O'Gara Enterprises, LLC and Ronda O'Gara relative to a release and termination of a certain lease agreement.** R.O'Gara indicated she had not had a chance to review the ordinance. A motion was then made by Hale with a second by Fritch to table this ordinance to the next council. Motion carried.
- 5) **An Ordinance authorizing the Mayor to execute a First Amendment to the agreement to provide roofing services between City and Finch Construction Co. relative to a release and amendment of certain roofing agreement.** Hale asked if bids were taken on this project. O'Gara explained the original roofing project at 124 West Main was let out for bids and as this is an amendment to that contract it was not necessary to re-bid. The amendment to the contract would allow the original contract to be amended from the 124 West Main address to the building at 120 West Main. Moore explained if the City did not approve the amendment, the City would be in breach of the original contract with Finch. A motion was then made by Tripp with a second by Polete 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 a first amendment to the agreement to provide

roofing service . . .” Voting aye were: Tripp, Fritch, Wright, Merriman, Polete and voting nay was Hale. A motion was made by Tripp with a second by Polete to read the ordinance the second time by title only. Voting aye were: Tripp, Fritch, Merriman, Polete and voting nay were Hale and Wright. **Ordinance 08-30 duly adopted.**

- 6) **Discussion concerning the City Marshal position and police department.** Mayor Kemp said his thoughts were the police department needs some leadership in that position. He suggested taking the captain position and turn it over to the city marshal. Make sure the city gets reports at each council meeting from the marshal. The council should closely monitor the marshal. Tripp said he disagreed with that recommendation. He went on to say he felt it was important to hire a separate police captain as originally approved by council. He would like to see if the city could negotiate a contract with Barry Gregg to see if he might re-consider coming to Fredericktown or, if not, to diligently continue the search. He would like to see the police department report things to O’Gara who, in turn, would report to council. Wright felt the duties of the captain should be given to qualified individuals already working in the department. Merriman said that what is being done now is not working as evident by the fact there are on three full time officers in place. Discussion ensued on the pros and cons of the structure of the department. Polete said he agreed with the Mayor, that is, the city needs someone in the leadership position at the police station. He went on to say the city needs an “acting” captain right away while search continues for a full time police captain. Hale said he felt the decisions made by council regarding the police were in the best for that department. Tripp said he objected to the fact O’Gara was left out of the interview process at the police department. Mayor Kemp restated his original recommendation. A motion was then made by Polete with a second by Merriman to place John Wright with the duties of the police captain, Ken Tomlinson as the lieutenant officer and Jason Gordon as sargeant. Motion carried with the following vote: voting aye: Hale, Merriman, Wright, Polete and Fritch. Voting nay was Tripp.

**L. ADDITIONAL BUSINESS**

- 1) **Accounts payable.** After some brief questions, a motion was made by Fritch with a second by Hale to pay the bills. Motion carried.

**M. REMARKS OF PERSONAL PRIVILEGE BY ALDERMEN**

- 1) Alderman Tripp thanked council for tabling some of the issues on the last council agenda so he could be in attendance to participate in the discussion.
- 2) Alderman Polete thanked all the council attendees this evening especially during the closed session break.
- 3) Alderman Merriman said he was glad to have Alderman Tripp back to participate in the police department discussions.

**N. CLOSED SESSION BUSINESS** (As authorized RSMo Section 610.021) Motion was made by Fritch with a second by Hale 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) Potential litigation matter. Discussion only. No voting actions necessary.
- 2) Potential litigation matter. Addressed in open session.
- 3) Personnel matter. Discussion only. No voting actions taken.
- 4) Personnel matter. Discussion only. No voting actions taken.

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

**N. ANY OTHER BUSINESS**

- 1) Alderman Tripp asked if the police evidence officer could also be the supervisor of the department. Moore said this issue was not so much a State Statue issue, but good business

practice not to have the first in command and the evidence officer the same. Moore went on to clarify the evidence officer is the second in command now that the City Marshal has been placed first.

- 2) Mayor Kemp said he had been approached by someone wanting to plant a tree in the parks in memory of a loved one. Council indicated this would be a Park Board decision.

O. **ADJOURNMENT.** Motion by Polete with a second by Tripp to adjourn.

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Danny E. Kemp, Mayor

ATTEST:

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Barbara Stevens, City Clerk