

MINUTES
CITY COUNCIL REGULAR MEETING
FREDERICKTOWN, MISSOURI
DAY/DATE: MONDAY, JULY 28, 2008
CITY HALL
6:30 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 Wright, Alderman Merriman, and Alderman Tripp. Absent were: Alderman Fritch and Alderman Hale. Also present were: City Attorney Moore, City Engineer Baer, City Clerk Stevens, Department Heads and visitors.

B. APPROVAL OF MINUTES

- 1) Minutes of the regular meeting of July 14, 2008. A motion was made by Polete with a second by Tripp to approve the minutes as presented. Motion carried.

C. APPROVAL OF AGENDA

- 1) Additions or deletions.

Add: Two (2) personnel matters and one (1) litigation matter to Closed Session.

- 2) A motion was made by Polete with a second by Tripp to approve the agenda as amended. Motion carried.

D. PUBLIC COMMUNICATIONS AND ANNOUNCEMENTS

- 1) None.

E. PRESENTATIONS

- 1) None.

F. REPORTS OF OFFICERS

- 1) **Mayor's report.**

- a) Reminded everyone Pickin' on the Square was continuing each Friday.
- b) Announced a new event "Movie in the Park" scheduled for Saturday, August 2nd in Rotary soccer park sponsored by various local businesses.

G. REPORT FROM SPECIAL COMMITTEES AND STAFF

- 1) **Finance Director's report - June.** Reviewed the documentation included in the packets. Recommended the Council consider paying the Transportation Tax Fund debt service due from the Electric Fund in a lump sum amount instead of the monthly amounts it had been paying. For some background, Wienecke explained the debt was created five or six years ago when money was used from the Transportation Tax Fund to pay outstanding electric bills. A motion was then made by Polete with a second by Tripp to repay the Transportation Tax Fund from the Electric Fund in full. Motion carried.
- 2) **City Marshal's Bi-Monthly Report - July.** After a brief discussion on the recommendation from Wright to purchase additional guns, a motion was made by Tripp with a second by Polete to place the purchase out for bid. Motion carried.
- 3) **Police Department Report.**

- 4) **Electric Ad-Hoc Report.** Alderman Tripp said an unscheduled meeting was set by MOPEP on Tuesday and recommended City Attorney Moore attend. After a brief discussion on costs, a motion was made by Tripp with a second by Polete to send Attorney Moore to the meeting to represent the City. Motion carried. In addition, Alderman Tripp indicated he had been consulting with former Mayor Yates on behalf of the electric ad hoc committee. It was noted the ad hoc committee could not act or make any decisions on behalf of the City.

H. OLD BUSINESS

- 1) None.

I. NEW BUSINESS

- 1) **Appointing Council members to Planning, Development and Ordinance Committee (PDO) and the Budget, Finance and Personnel (BFP).** A motion was made by Tripp with a second by Polete to table this discussion and appointment to the next council meeting. Motion carried.
- 2) **Request to attend Missouri Water/Wastewater Conference at the Lodge of the Four Seasons-October 7-9th. (Junior Shell and Vince Grieshaber)** After a brief discussion, a motion was made by Tripp with a second by Polete to approve the request. Motion carried.
- 3) **Discussion concerning staggering the work hours of the electric crew (Wasson).** Wasson addressed council with his request, indicating the change would save in fuel costs and overtime. He also indicated there would be coverage all five days, but with a reduced staff. If an emergency arose all would be available. Tripp suggested a sixty day trial, possibly August and September. Then, after thirty days Wasson can give an update to council as to how the process was working. Attorney Moore noted if this became permanent a change would need to be made to the Personnel Rules and Regulations. A motion was then made by Tripp with a second by Polete to approve the staggered hours on a trial basis for the electric crew with the exception of the meter reader. Motion carried.
- 4) **Third request for payment for Fronabarger Contractors.** A motion was made by Polete with a second by Tripp to approve the third request for payment. Motion carried.
- 5) **An Ordinance entitled "Payment of Fees, Taxes and License Charges under protest".** A motion was made by Polete with a second by Tripp that as the ordinance was made available prior to the meeting it be read the first time by title only. Motion carried. Moore read: "An Ordinance entitled 'Payment of Fees, Taxes and License charges under protest', providing an administrative procedure for the protest of taxes, fees or license charges of the City of Fredericktown . . ." A motion was made by Tripp with a second by Polete to read the ordinance the second time by title only.
Ordinance 08-037 duly adopted.
- 6) **An Ordinance to execute change order #2 to the agreement between the City of Fredericktown and Fronabarger Contractors, Inc. relative to Town Square project.** A motion was made by Polete with a second by Merriman that as the ordinance was made available prior to the meeting it be read the first time by title only. Motion carried. Moore read: "An Ordinance authorizing the Myaor to execute Change Order #2 to the agreement between City and Fronabarger Contractors Inc. relative to Town Square Enhancement Program Project #STP-9900(031) . . ." A

motion was made by Tripp with a second by Merriman to read the ordinance the second time by title only. **Ordinance 08-038 duly adopted.**

J. ADDITIONAL BUSINESS

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

K. REMARKS FROM GENERAL PUBLIC

Note: Alderman Hale arrived at 8:30 pm.

L. REMARKS OF PERSONAL PRIVILEGE BY ALDERMEN

M. CLOSED SESSION BUSINESS (As authorized RSMo Section 610.021) Motion was made by Tripp with a second by Polete to go into Closed Session. Roll call vote resulted in five ayes, zero nays, and one 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) Contract matter. Discussion only, no voting actions taken.
- 2) Contract matter. After a lengthy discussion, a motion was made by Hale with a second by Wright to table further discussion to next council meeting. Motion carried with the following vote: voting aye: Merriman, Wright, Tripp, Hale, and Polete. There were no nay votes.
- 3) Contract matter. After some discussion, a motion was made by Tripp with a second by Hale to contact Ray Blakely and proceed with the infrared camera work on the electric lines. Motion carried with the following vote: voting aye: Merriman, Wright, Tripp, Hale, and Polete. There were no nay votes.
- 4) Personnel matter. Information only, no voting action necessary.
- 5) Personnel matter. After some discussion, a motion was made by Hale with a second by Tripp to rescind the employee warning of Robert Sullivan. Motion carried with the following vote: voting aye: Merriman, Wright, Tripp, Hale, and Polete. There were no nay votes.
- 6) Personnel matter. After some discussion, a motion was made by Merriman with a second by Wright to uphold the decision to eliminate the position of assistant code enforcement/building inspector. Motion carried with the following vote: voting aye: Merriman, Wright, Tripp, Hale, and Polete. There were no nay votes.
- 7) Contract matter. After a brief discussion, a motion was made by Hale with a second by Wright to prepare a contract for Thurman/Shinn. Motion carried with the following vote: voting aye: Merriman, Wright, Tripp, Hale, and Polete. There were no nay votes.
- 8) Potential litigation matter. After a brief discussion, a motion was made by Hale with a second by Tripp to enter into the settlement agreement with Wal Mart Real Estate Business Trust. Motion carried with the following vote: voting aye: Merriman, Wright, Tripp, Hale, and Polete. There were no nay votes.
- 9) Potential litigation matter. Update only. No voting actions necessary at this time.

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

N. **ANY OTHER BUSINESS**

- 1) Alderman Polete said if the City Marshal John Wright was elected to County Assessor in November State Statutes would require him to remove himself from one of his offices.
- 2) Council revisited the motion to transfer in full Electric Funds to the Transportation Tax Fund to pay off debt service. A motion was then made by Hale with a second by Merriman to reconsider the transfer of funds vote. Motion carried unanimously. Then a motion was made by Hale with a second by Wright to authorize the full debt service payment to the Transportation Tax Fund from the Electric Fund. Motion failed with six nays. The payments to the Transportation Tax Fund will continue on a monthly basis.

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

Danny E. Kemp, Mayor

ATTEST:

Barbara Stevens, City Clerk

MINUTES
CITY COUNCIL WORK SESSION
FREDERICKTOWN, MISSOURI
July 28, 2008
5:30 PM

A. CALL TO ORDER AND ROLL CALL

Mayor Kemp called the meeting to order. Those present on roll call were: Alderman Tripp, Alderman Polete, Alderman Merriman, and Alderman Wright. Absent were: Alderman Hale and Alderman Fritch. Also present were: City Attorney Moore, City Clerk Stevens, City Engineer Baer, department heads and visitors.

B. APPROVAL OF MINUTES

1) **Minutes of the work session meeting of May 12, 2008.** A motion was made by Polete with a second by Merriman to approve the minutes as presented. Motion carried.

C. APPROVAL OF AGENDA

1) **Additions or deletions.**

Delete one (1) personnel item and add one (1) litigation matter to Closed Session.

2) Approval of agenda. A motion was made by Polete with a second by Tripp to approve the agenda as amended. Motion carried.

D. WORK SESSION BUSINESS

1) **Discussion concerning the ordinance revising the liquor licenses for the City of Fredericktown.** Moore reviewed the high points of the changes made to the existing liquor license ordinance. He explained some clean up was necessary to bring the ordinance in line with the state requirements. It was noted a criminal background check of those applying will be made prior granting the license. Also, the building inspector will also be required to inspect the premises. Moore will make the changes and have the revised ordinance ready for approval at the next council meeting.

2) **Ordinances for review:**

a) An Ordinance entitled "Payment of Fees, Taxes and License charges under protest". Moore said this ordinance establishes a procedure for citizens to have due process for filing protests of various fees, taxes and license charges. A motion was made by Merriman with a second by Wright to place this ordinance for approval in the regular council meeting. Motion carried.

b) An Ordinance authorizing the Mayor to execute Change Order #2 to the agreement between City and Fronabarger Contractors, Inc. relative to Town Square Enhancement Program Project #STP-9900(031). Moore explained to Council the delay in getting the street lights for the project warranted the request to extend the completion time of the project by 66 days. A motion was then made by Polete with a second by Wright to place this ordinance for approval in the regular council meeting. Motion carried.

3) Closed Session (As authorized by RSMo Section 610.021). Motion was made by Polete with a second by Wright to go into Closed Session. Roll call vote resulted in four ayes, zero nays, and two 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:

a) Personnel matter. Grievance hearing only, no voting actions taken.

A motion was made at this time to move one of the two remaining personnel items and the litigation matter to the closed session of the regular council meeting following this work session. Motion carried.

b) Personnel matter. Grievance hearing only. A motion was then made by Polete with a second by Tripp to move further discussion of this matter to the closed session of the regular council meeting following this work session. Motion carried.

Motion was made by Tripp with a second by Merriman to return to open session. Motion carried.

E. ANY OTHER BUSINESS

1) None.

F. ADJOURNMENT

1) Motion was made by Polete with a second by Merriman to adjourn. Motion carried.

Danny E. Kemp, Mayor

ATTEST:

Barbara Stevens, City Clerk