

CITY OF FREDERICKTOWN, MISSOURI  
CITY COUNCIL  
SPECIAL MEETING MINUTES  
DATE: August 1, 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 Wright, Alderman Merriman, Alderman Fritch, Alderman Tripp, Alderman Polete and Alderman Hale. Also present were: Clerk Stevens, City Attorney Moore, members of the Electric Ad Hoc Committee and visitors.

**B. SPECIAL BUSINESS**

1) Updates from the Electric Ad Hoc Committee. Alderman Tripp updated the Council on the trip taken this week to another municipality to discuss a possible assignment of our position in the MOPEP pool. Tripp indicated it was a good meeting and the city seemed interested. Tripp then turned further discussion over to Attorney Moore. Moore said the city needed to move fast on the assignment issue over the next several months. Moore said he needed some direction from Council as to how much they want to spend and/or obligate funds. The city under consideration has their council meeting Monday, August 4<sup>th</sup>. Moore said he planned on attending that meeting as well as MOPEP and MJUMEC meetings scheduled for August 12<sup>th</sup> and September 3<sup>rd</sup>. Moore went on to say there was a cost consideration of the assignment itself. MJUMEC said any new city wanting to enter the pool will need the same payment or in this case \$140,000 to join. Should Fredericktown participate in these costs is a question council needs to consider. Moore told council there were no guarantees in this process. Money spent by the city is not recoverable if we do not get out of the Pool. Estimates from Duncan Kincheloe ranged from \$75K to \$350K. The cost for attending the various meetings by the city attorney would be approximately \$4K to \$5K; the city spent \$3000 the last couple of weeks alone. Moore said the city's legal fees for their side would be \$15K-\$25K, with the other side or target city a similar amount. Phil Page said the costs would benefit in the long run, the city should not be intimidated by this number; it would be worth it in the long run. City resident Darrell Bell asked "what was the point of having this public meeting if the city isn't going to discuss it in open session. The public is hearing nothing. Needs to be openness; to quell any rumors. Public needs to read in the newspaper what is actually happening with the sale". Moore explained why the council uses closed session for negotiation of contracts such as the amount to the interested city and the Pool.

**B. CLOSED SESSION** (As authorized by RSMo Section 610.021) A motion was made by Tripp with a second by Polete to go into Closed Session. Roll call vote resulted in six ayes, zero nays, and one vacant. 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 – After a lengthy discussion, a motion was made by Fritch with a second by Tripp to offer \$10,000 earnest money escrow account to the City of St. James to consider accepting the assignment of the City of Fredericktown in the MoPEP pool. Motion carried by the following vote: voting aye were: Hale, Polete, Tripp, Wright, Merriman, and Fritch. There were no nay votes. After some further discussion a motion was made by Tripp with a second by Fritch to proceed with having Attorney Moore negotiate a Letter of Intent with the City of St. James. Motion carried by the following vote: voting aye were: Hale, Polete, Tripp, Wright, Merriman, and Fritch. There were no nay votes.

A motion was made by Polete with a second by Fritch to return to Open Session.

C. **ADJOURNMENT**

A motion was made by Fritch with a second by Polete to adjourn. Motion carried.

ATTEST:

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Danny E. Kemp, Mayor

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Barbara Stevens, City Clerk