MINUTES
CITY COUNCIL REGULAR MEETING
FREDERICKTOWN, MISSOURI
DAY/DATE: MONDAY, AUGUST 25, 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 Fritch, Alderman Hale, and Alderman Tripp.
Absent was: Alderman Merriman. Also present were: Interim City Administrator Dismuke, City Attorney
Moore, City Engineer Baer, City Clerk Stevens, Department Heads and visitors. Mayor Kemp asked for a
moment of silence on behalf of Alderman Merriman for the recent loss of his wife.

B. APPROVAL OF MINUTES

1) Minutes of the regular meeting of August 11, 2008. A motion was made by Fritch with a
second by Hale to approve the minutes as presented. Motion carried.
2) Minutes of the special council meeting of August 14, 2008. A motion was made by Polete
with a second by Fritch to approve the minutes as presented. Motion carried.

C. APPROVAL OF AGENDA

1) Additions or deletions.
   Add to New Business: Approval of Pay Estimate No. 4-Final for Fronabarger Concreters for
   the Town Square Enhancement Project No. STP-9900 (031).
   Add to Closed Session: One (1) contract 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) Steve Perkins new 911 Director. Perkins introduced himself to the Council and indicated he
would be available at any time as needed.

F. REPORTS OF OFFICERS

1) Mayor’s report.

G. REPORT FROM SPECIAL COMMITTEES AND STAFF

1) Finance director information on Wal-Mart Business Trust payment. Wienecke referred
council to her handout explaining how the $150,000 owed to Wal-Mart would be funded. The
report indicated the city could transfer excess funds from General Revenue Fund Debt
Service, Municipal Court and Collector Fund for part of the money. The balance needed
would be from various other accounts owing general fund.
2) Interim City Administrator’s report. (including information provided by Greg Shinn
CPA). Dismuke referred discussion of the city’s financials to Greg Shinn. Shinn proceeded to
review his findings and status of his consulting work on the city’s books. He went on to
review his memo which indicated several areas of concern particularly in the utility billing
department. Shinn’s memorandum also made recommendations to council to rectify the areas
of concern. After Shinn completed his review he left the meeting. Dismuke then proceeded to
review his recommendations for a budget preparation plan.
3) **City Engineer Tim Baer Transportation Tax Committee report.** Baer referred council to the list of proposed areas for sidewalk and street work.

4) **Police Department report – 8/7 thru 8/20/2008.**

5) **City Marshal report.** Polete asked about the excessive overtime in the police department. Wright said he reviewed the timesheets and felt the overtime was justified due to lack of manpower. Wright said he had been contacted by the high school requesting permission to have their homecoming parade on Friday, September 19th at 4:00 pm from East Main to the high school. Council indicated to Wright he would need to contact MoDOT for their approval since part of the route would be on state roads. A motion was made by Fritch with a second by Polete to approve the parade pending state approval. Motion carried.

**H. OLD BUSINESS**

1) **An Ordinance authorizing the Mayor to execute a settlement agreement and full, complete and general release of all claims by and between City and Wal-Mart Real Estate Business Trust.** A motion was made by Hale with a second by Fritch 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 settlement agreement and full, complete and general release of all claims by and between City and Wal-Mart Real Estate Business Trust….” A motion was made by Fritch with a second by Hale to read the ordinance the second time by title only. Motion carried. **Ordinance 08-43 duly adopted.**

2) **An ordinance authorizing the Mayor to execute Amendment #1 to the agreement between City and MoDOT relative to airport project.** A motion was made by Hale 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 authorizing the Mayor to execute Amendment #1 to the agreement between City and MoDOT State Block Grant agreement relative to airport project AIRE 055/075-69A.” A motion was made by Fritch with a second by Polete to read the ordinance the second time by title only. **Ordinance 08-44 duly adopted.**

**I. NEW BUSINESS**

1) **Consideration of a temporary permit (picnic) for one day sale of beer by St. Michael’s Catholic Church for the annual Octoberfest on October 5th.** A motion was made by Fritch with a second by Wright to approve the temporary permit for sale of beer. Motion carried with four ayes and one nay (Tripp).

2) **An Ordinance calling for a ballot proposition on the election date of November 4, 2008 on the question of the city electric transmission system and assets sale to BREC.** A motion was made by Tripp 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. Moore read: “An Ordinance calling for a ballot proposition on November 4, 2008 on the question shall the city sell the city electric transmission system to Black River Electric enter into a franchise agreement for the supply of electricity…” A motion was made by Tripp with a second by Fritch to read the ordinance the second time by title only. **Ordinance 08-45 duly adopted.**

3) **An ordinance authorizing the Mayor to execute a Letter of Intent between the City and the City of St. James.** A motion was made by Fritch 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 authorizing the Mayor to execute a Letter of Intent between City and the City of St. James, Missouri relative to assignment of the interest of the City of Fredericton in MOPEP and MJMUEC…” A motion was made by Fritch with a second by Tripp to read the ordinance the second time by title only. **Ordinance 08-46 duly adopted.**

4) **Discussion concerning re-establishing the Budget, Finance and Personnel (BFP) and Planning, Development and Ordinance (PDO) Committees.** Clerk Stevens indicated the
committees would be as follows: BFP – Wright, Hale, Tripp and PDO-Fritch, Merriman, Polete.

5) Approval of Pay Estimate #4-Final for Fronabarger Concreters for the Town Square Enhancement Project. A motion was made by Hale with a second by Fritch to approve the final payment. Motion carried.

J. ADDITIONAL BUSINESS
1) Accounts payable. A motion was made by Tripp with a second by Fritch to pay the bills. Motion carried.

K. REMARKS FROM GENERAL PUBLIC

L. REMARKS OF PERSONAL PRIVILEGE BY ALDERMEN

M. CLOSED SESSION BUSINESS (As authorized RSMo Section 610.021) Motion was made by Fritch with a second by Tripp 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) Personnel matter – Discussion only, no voting actions taken.
2) Contract matter – After a lengthy discussion, a motion was made by Tripp with a second by Fritch to forward the letter from MOPEP legal counsel regarding fees for exiting the pool. Motion carried with the following votes: voting aye – Wright, Fritch, Tripp, Polete and Hale. There were no nay votes and one absent.

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

N. ANY OTHER BUSINESS

O. ADJOURNMENT. Motion by Fritch, seconded by Wright to adjourn.

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Danny E. Kemp, Mayor

ATTEST:

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Barbara Stevens, City Clerk
MINUTES
CITY COUNCIL WORK SESSION
FREDERICKTOWN, MISSOURI
August 25, 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 Hale, Alderman Fritch, and Alderman Wright. Absent was: Alderman Merriman. Also present were: Interim City Administrator Dismuke, City Attorney Moore, City Engineer Baer, City Clerk Stevens, department heads and visitors.

B. APPROVAL OF MINUTES
1) Minutes of the work session meeting of August 11, 2008. A motion was made by Polete with a second by Hale to approve the minutes as presented. Motion carried.

C. APPROVAL OF AGENDA
1) Additions or deletions. None
2) Approval of agenda. A motion was made by Polete with a second by Tripp to approve the agenda as presented. Motion carried.

D. WORK SESSION BUSINESS
1) Discussion concerning FHLB $15,000 award (Dismuke) Dismuke indicated he had contacted several other communities who had received this award as to how they spent the funds. He went on to say most of them used the money for economic development projects. Dismuke then suggested using $3000 for an additional VISTA worker. He also said the city could extend our present VISTA worker’s term an additional year at the same cost of $3000. Another suggestion was to utilize the remaining funds for youth entrepreneurship assistance. Dismuke said at this time he felt going ahead with the additional VISTA worker was the first priority. Council concurred with moving forward with the additional VISTA volunteer. Council wanted to make sure the volunteer was aware of the one year term.
2) Discussion concerning the authority of the Parks Board. Polete said he had a couple of questions on this issue. He went on to say the Transportation Tax Commission and the Planning and Zoning Commission bring their recommendations to council, how does the Parks Board compare. Moore said the Parks Board is a unique city entity in that they have certain statutory rights and duties based on the fact a portion of the city’s taxes are for the parks. He went on to say the only city body who can spend money is the Board of Aldermen. The Parks Board makes recommendations, sets budget and take care of the parks in general; council, however, has the “power of the purse”. The Parks Board makes these decisions as they are closest to the situation. Polete asked who do the councilmen refer any questions their residents may have. Moore responded the Parks Board; if they do not like the answer from the Parks Board they can always come to council.
3) Discussion concerning the recently adopted ordinance on swimming pools. (Sullivan) Sullivan addressed council with his concerns on the newly adopted ordinance. He stated that as the ordinance is now written no one in the city will comply with the fence rule on pools. He suggested taking the ordinance back to its original form, but with the addition of saying “the side of an above ground pool cannot act as a fence”. Moore questioned the request as he felt the changed ordinance took care of that issue. Sullivan said the side of an above round pool does not meet the barrier requirement of a fence. After some further discussion, Moore was requested to re-work the ordinance and have it ready for the next council meeting.
4) Ordinances for review:
   a) An Ordinance calling for a ballot proposition on the election date of November 4, 2008 on the question of the city electric transmission system and assets sale of BREC. Moore indicated he was not comfortable with putting this on the ballot at this time since the city had several things that had not been locked in yet. He went on to say council should be prepared to pay the costs of a ballot reprint if the ballot issue is pulled from the election for any number of
reasons. Council was reminded again this is not recoupable money. Moore said the county clerk would be distributing absentee ballots on the 23rd of September.

b)  An Ordinance authorizing the Mayor to execute a Letter of Intent by and between the City of Fredericktown and the City of St. James. Moore explained to council the Letter of Intent was basically the same as originally proposed to St. James with one modification. St. James wanted the statement “shall be restricted by this agreement from continuing to pursue entry into the Pool...” changed to “shall not be restricted”. Moore said this change does not pose a serious risk. The Letter of Intent will act as a direction indicator only. Moore stated at this point St. James had not made a decision whether to join the pool or not.

5) Closed Session (As authorized by RSMo Section 610.021). None

E. **ANY OTHER BUSINESS**
   1) None.

F. **ADJOURNMENT**
   1) Motion was made by Fritch with a second by Tripp to adjourn. Motion carried.

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Danny E. Kemp, Mayor

ATTEST:

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Barbara Stevens, City Clerk
Mayor Kemp declared the Public Hearing open at 6:00 pm. Kemp stated the purpose of the public hearing was to hear public comment on the matter of proposed voluntary annexation to the City of Fredericktown, Missouri, real estate property owned by Ivan and Donna Kranjec located on Hwy 72 West. As there were no comments or questions by the public, Kemp closed the public hearing at 6:30 PM.

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Danny E. Kemp, Mayor

ATTEST:

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Barbara Stevens, City Clerk