

MINUTES  
CITY COUNCIL REGULAR MEETING  
FREDERICKTOWN, MISSOURI  
DAY/DATE: MONDAY, SEPTEMBER 29, 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 Tripp, Alderman Hale, and 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 regular meeting of September 8, 2008. A motion was made by Polete with a second by Hale to approve the minutes as amended. Motion carried.
- 2) Minutes of the special meeting of September 22, 2008. A motion was made by Tripp with a second by Hale to approve the minutes as amended. Motion carried.

**C. APPROVAL OF AGENDA**

- 1) Additions or deletions.
  - Add to New Business: One (1) personnel matter.
  - Add to Public Communications/announcements: Christina Mattingly representing the Chamber.
  - Add to Closed Session: One (1) personnel matter and one (1) contract/litigation matter.
  - Delete: Item 1 from Reports from Special Committees and Staff.
- 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) Christina Mattingly, Chamber Economic Development Director. Mattingly addressed council referring to the copy of the city's new budget for 2008/2009, stating the city had been invoiced for the balance of their 2007/2008 portion. She wanted to know if they planned to honor that commitment. Dismuke responded stating the invoice in the amount of \$10,000 representing the balance owed would be paid the next day out of the 2007/2008 budget funds.

**E. PRESENTATIONS**

- 1) None.

**F. REPORTS OF OFFICERS**

- 1) **Mayor's report.** Announced notable events and meetings taking place in the community.

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

- 1) **Financial reports through August 31, 2008.** No questions or concerns.
- 2) **Interim City Administrator's report.** Dismuke explained the various capital improvements scheduled for each of the departments under the new budget numbers. Dismuke also touched on some changes that will be put in place.
- 3) **City Marshal/police reports.**
- 4) **Municipal Court September 18, 2008 docket.**

**H. OLD BUSINESS**

- 1) None.

## I. NEW BUSINESS

- 1) **Discussion concerning contract with Ray Blakely for electric study. (Tripp)** Tripp asked the status of the contract with Blakely council had agreed to some time ago. Dismuke said Blakely had been extremely busy with other projects but planned on being in town next week to begin the electric study as requested. Tripp suggested rescinding the contract, while Hale asked if Blakely was serious about the project. Polete said when the study was discussed with Blakely, Blakely indicated it would be several weeks before he could tackle the project. Council asked Dismuke to contact Blakely to let him know they were interested in getting this project done as soon as possible.
- 2) **Confirmation of withdrawal of election certification and repeal of Ordinance 08-45.** A motion was made by Tripp with a second by Polete 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 repealing Ordinance Number 08-45 providing for certification of a ballot issue to the County Clerk related to the sale and grant of franchise for the municipal electric distribution system". Voting on the ordinance was as follows: voting aye-Merriman, Wright, Polete and Hale; voting nay-Tripp. A motion was then made by Polete with a second by Merriman to read the ordinance the second time by title only. Motion carried. Voting on the ordinance was as follows: voting aye-Merriman, Wright, Polete and Hale; voting nay-Tripp. **Ordinance 08-51 duly adopted.**
- 3) **An Ordinance authorizing the Mayor to execute a contract and confidentiality agreement between City and DLB Computer & Network Services LLC relative to computer and network administration of computer infrastructure.** Hale stated his disapproval of this ordinance based on ethical issues involving an alderman as an employee of DLB. A discussion ensued over various areas of the contract. A motion was then made by Hale with a second by Tripp to table this ordinance in order for Attorney Moore to make the requested changes to the contract. Motion carried.
- 4) **An Ordinance amending the Fiscal Year 2007/2008 budget for operations for the City of Fredericktown.** 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 amending the Fiscal Year 2007/2008 budget for operations for the City of Fredericktown . . ." A motion was made by Tripp with a second by Merriman to read the ordinance the second time by title only. Motion carried. **Ordinance 08-52 duly adopted.**
- 5) **An Ordinance to amend transfer station gate fees.** A motion was made by Tripp 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 to amend transfer station gate fees . . ." A motion was made by Polete with a second by Tripp to read the ordinance the second time by title only. Motion carried. **Ordinance 08-53 duly adopted.**
- 6) **An Ordinance authorizing and approving the election of changes under the Missouri Local Government Employee Retirement System (LAGERS).** 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 authorizing and approving the election of changes under the Missouri Local Government Employee Retirement System (LAGERS) . . ." A motion was made by Merriman with a second by Polete to read the ordinance the second time by title only. Motion carried. **Ordinance 08-54 duly adopted.**
- 7) **An Ordinance approving and adopting the budget for operations for Fiscal Year 2008/2009.** Several members of the public had questions. It was noted to the public a rate increase of three (3) percent would be necessary in both water and sewer. A motion was made by Polete with a second by Hale 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 approving and adopting the budget for operations for Fiscal Year 2008-2009 for the City of

Fredericktown. . ." A motion was made by Merriman with a second by Hale to read the ordinance the second time by title only. Motion carried. **Ordinance 08-55 duly adopted.**

**J. ADDITIONAL BUSINESS**

- 1) **Personnel item.** Mayor Kemp announced the resignation of Ward I Alderman Paul Fritch. A motion was made by Merriman with a second by Polete to accept the resignation. Motion carried with the following vote: voting aye-Merriman, Polete, Wright; voting nay-Tripp, Hale. Mayor Kemp urged anyone from Ward I interested in filling the position should contact City Hall.
- 2) **Accounts payable.** A motion was made by Tripp with a second by Hale to pay the bills including the addition of the final payment under the 2007/2008 budget for the Chamber Economic Development Director. 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 Hale with a second by Merriman to go into Closed Session. Roll call vote resulted in five 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) Personnel matter – A motion was made by Tripp with a second by Wright to accept the resignation of Robert Sullivan as code enforcement officer/building inspector. Motion carried with all voting aye.
- 2) Personnel matter - Discussion only; no voting actions necessary.
- 3) Contract/litigation matter – After some discussion, a motion was made by Tripp with a second by Hale to six months severance, six months benefits for a total of \$38,000. Motion carried with all voting aye.

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

**N. ANY OTHER BUSINESS**

**O. ADJOURNMENT.** Motion by Polete, seconded by Merriman 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  
September 29, 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 Polete, Alderman Hale, Alderman Merriman, Alderman Tripp and Alderman Wright. 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 September 8, 2008.** A motion was made by Tripp with a second by Merriman 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 Merriman to approve the agenda as presented. Motion carried.

**D. WORK SESSION BUSINESS**

1) **Ordinances for review:**

a) Repeal of Ordinance 08-45 (electric ballot issue). Tripp expressed his concern stating removing the ballot issue might make it more difficult to have the issue placed in the future. It was stated the issue could still be placed on the February or April ballot. Hale expressed his concern that a second vote with no sale would make residents leery of further discussions. Despite several concerns, council agreed to take the issue to full council for a vote.

b) An Ordinance to execute a contract and confidentiality agreement between City and DLB Computer & Network Services LLC relative to computer and network administration of computer infrastructure. Hale stated he believed there would be a conflict of interest between DLB and staff still exists and wanted it so noted in the minutes. Merriman asked what was the exact issue with Alderman Polete working for DLB. A discussion ensued on the legality of having an alderman as an employee of a company under contract with the city. Attorney Moore said there were no legal problems with Alderman Polete working for DLB, but he would not attest to the ethical issues..

c) An Ordinance amending the Fiscal Year 2007/2008 budget for operations for the City of Fredericktown. No questions or concerns.

d) An Ordinance to amend transfer station gate fees. No questions or concerns.

e) An Ordinance authorizing and approving the election of changes under the Missouri Local Government Employee Retirement System (LAGERS). No concerns.

f) An Ordinance approving and adopting the budget for operations for Fiscal Year 2008/2009. A city resident questioned the use of Transportation Tax funds for street department salaries and expenses. She felt the use was not what the tax was originally approved to provide. Hale concurred. Moore said an opinion had been made stating the TT funds can be used for that purpose if council so desires. No further questions or concerns on the budget ordinance.

**E. CLOSED SESSION (As authorized by RSMo Section 610.021). None**

**F. ADJOURNMENT**

1) Motion was made by Tripp with a second by Hale to adjourn. Motion carried.

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Danny E. Kemp, Mayor

ATTEST:

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Barbara Stevens, City Clerk