

MINUTES
CITY COUNCIL REGULAR MEETING
FREDERICKTOWN, MISSOURI
DAY/DATE: MONDAY, NOVEMBER 24, 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 Thomas and Alderman Merriman. Absent was: Alderman Hale. 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 November 24, 2008. A motion was made by Merriman with a second by Polete to approve the minutes as presented. Motion carried.

C. APPROVAL OF AGENDA

- 1) Additions or deletions.
Add one (1) item to New Business pending the outcome of the ordinances already on this agenda relating to the sale of the city electric utility: Consideration of an ordinance calling for a ballot proposition for the City of Fredericktown on the election date of Tuesday, February 3, 2009.
- 2) A motion was made by Merriman with a second by Thomas 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) Announced notable events and meetings taking place in the community.

G. REPORT FROM SPECIAL COMMITTEES AND STAFF

- 1) **Financial reports. (Shinn)**
- 2) **Interim City Administrator report.**
- 3) **City Marshal/police reports.**
- 4) **Municipal court statistics for October 2008.**

H. REMARKS FROM GENERAL PUBLIC

I. OLD BUSINESS

- 1) **Response to follow-up from AT&T for cell tower rental proposal.** Dismuke said the proposal offered by AT&T is \$7,380 annually at 7.5% escalation every five (5) years. The present annual lease is \$8500. A motion was then made by Merriman with a second by Polete to approve the recommended proposal. Motion carried.

J. NEW BUSINESS

- 1) **Consideration of a request by contractor on the airport project to reduce the final payment of \$31,000 by \$7500 to cover the elimination of the seeding and mulching required under the contract terms.** Dismuke explained to council the seeding and mulching which is part of the final stages of the project did not get completed before colder weather. The contractor has requested the final payment be reduced by the cost of the city completing this part of the project which is estimated to be \$7500. A motion was then made by Polete with a second by Tripp to approve the reduction. Motion carried.
- 2) **Discussion concerning the trash hauling contract with Southern Illinois Landfill. (Dismuke)** A representative from Southern Illinois Regional Landfill, Gary Pearson, addressed council with their proposal to increase the disposal side only by 5% (85 cents). He went on to say the transportation side would remain unchanged. Pearson said the present contract had not been modified since its inception three years ago. Tripp asked if council could be provided with the actual cost increase to the budget numbers for next council's presentation. Dismuke will have those ready for next council.
- 3) **Discussion of the number of dogs allowed in the city limits. (Mayor)** Mayor Kemp said he had been contacted by several residents who would like to have more than two dogs however the city ordinance prohibits any more than two. He suggested monitoring each neighborhood to see if there would be a problem with allowing more dogs. Kemp said we would watch the situation closely.
- 4) **Ordinance authorizing the Mayor to execute an engagement letter by and between City and Boyer & Associates, PC relative to the performance of audit services for the fiscal year ending September 30, 2008.** 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 authorizing the Mayor to execute an engagement letter between City and Boyer & Associates, PC relative to the performance of audit services for the fiscal year ending September 30, 2008." A motion was made by Polete with a second by Tripp to read the ordinance the second time by title only. Motion carried. **Ordinance 08-60 duly adopted.**
- 5) **Ordinance authorizing the Mayor to execute a settlement agreement and release for all claims between City and O'Gara.** 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 the Mayor to execute a settlement agreement and release of all claims between City and Michael O'Gara . . ." A motion was made by Polete with a second by Merriman to read the ordinance the second time by title only. Motion carried. **Ordinance 08-61 duly adopted.**
- 6) **Ordinance authorizing the Mayor to execute a first amendment to asset purchase agreement between City and Black River Electric Cooperative relative to indemnifying the City from certain operational expenses.** 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 authorizing the Mayor to execute a first amendment to asset purchase agreement between City and BREC relative to indemnifying the City from certain operational expenses . . ." Ordinance failed on the first reading with the following vote: voting nay: Merriman, Wright, Polete and Thomas; voting aye: Tripp. Hale was absent. A motion was made by Polete with a second by Merriman to read the ordinance the second time by title only. Ordinance failed on the second reading with the following vote: voting nay: Merriman, Wright, Polete and Thomas; voting aye: Tripp. Hale was absent.
- 7) **Ordinance authorizing the Mayor to execute an assignment and assumption agreement between City and the City of St. James.** A motion was made by Merriman 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 authorizing the Mayor to execute an assignment and assumption agreement between City and City of St. James relative to the assignment of the City's interest in the Missouri Public Utility Commission. . ." Ordinance failed on the first reading with the following vote: voting nay: Merriman, Wright, Polete and

Thomas; voting aye: Tripp. Hale was absent. A motion was made by Polete with a second by Merriman to read the ordinance the second time by title only. Ordinance failed on the second reading with the following vote: voting nay: Merriman, Wright, Polete and Thomas; voting aye: Tripp. Hale was absent.

- 8) **Ordinance calling for a ballot proposition.** A motion was made by Tripp with a second by Polete to table this ordinance. Motion carried.

K. ADDITIONAL BUSINESS

- 1) **Accounts payable I.** A motion was made by Merriman with a second by Thomas to pay the bills. Motion carried with all voting aye.

L. REMARKS OF PERSONAL PRIVILEGE BY ALDERMEN

- M. CLOSED SESSION BUSINESS** (As authorized RSMo Section 610.021) None.

N. ANY OTHER BUSINESS

- O. ADJOURNMENT.** Motion by Merriman, seconded by Polete to adjourn. Motion carried.

Danny E. Kemp, Mayor

ATTEST:

Barbara Stevens, City Clerk

MINUTES
CITY COUNCIL WORK SESSION
FREDERICKTOWN, MISSOURI
NOVEMBER 24, 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 Merriman, Alderman Tripp and Alderman Wright. Absent was: Alderman Hale. Also present were: Interim City Administrator Dismuke, City Attorney Moore, City Clerk Stevens, department heads and visitors.

B. APPROVAL OF MINUTES

1) **Minutes of the work session meeting of October 27, 2008.** A motion was made by Merriman with a second by Polete 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 Tripp with a second by Merriman to approve the agenda as presented. Motion carried.

D. WORK SESSION BUSINESS

1) None.

E. CLOSED SESSION (As authorized by RSMo Section 610.021). Motion was made by Tripp with a second by Merriman 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) Two (2) contract matters. Discussion only; no voting actions taken.

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

F. ADJOURNMENT

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

Danny E. Kemp, Mayor

ATTEST:

Barbara Stevens, City Clerk