

MINUTES  
CITY COUNCIL REGULAR MEETING  
FREDERICKTOWN, MISSOURI  
DAY/DATE: MONDAY, DECEMBER 22, 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, Alderman Merriman, and 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 regular meeting of December 8, 2008. A motion was made by Hale with a second by Tripp to approve the minutes as amended. Motion carried.

**C. APPROVAL OF AGENDA**

- 1) Additions or deletions.

Add: Alderman Hale added the following items to New Business: (1) Ordinance amending the qualifications for members of the Board of Aldermen; (2) Re-organization of the Board of Aldermen; and (3) Clarification of adding items to the council agenda.

- 2) A motion was made by Tripp with a second by Hale 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.**

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

- 1) **Finance reports – November.** Alderman Tripp asked if finance officer, Shinn, could be in attendance at least one meeting a month or possible a quarter. Dismuke will notify Shinn of the request. Dismuke then proceeded to review the finance numbers submitted by Shinn.
- 2) **Interim City Administrator report.** Dismuke began by stating the Wastewater Plant needed to replace a UV structure at the plant. We will be working toward getting that taken care of. Dismuke said he met with Engineer Baer regarding several outstanding projects including the access road under the CDBG grant between the round-a-bout and Commercial Drive and 2009 Transportation Tax projects.
- 3) **City Marshal/police reports.** Chief Wright asked Council for their approval to hire another part time reserve officer. It was noted the budget approved the additional reserve officer. A motion was then made by Tripp with a second by Merriman to approve the recommendation. Motion carried unanimously.
- 4) **Municipal court statistics - November 2008.**

**H. OLD BUSINESS**

- 1) None.

**I.****NEW BUSINESS**

- 1) **An Ordinance approving and authorizing the Change Order No. 1 to a contract between City and R.L. Persons Construction relative to MoDOT Project No. 08-069A 1&2 at the Fredericktown Regional Airport.** 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 approving and authorizing Change Order No. 1 to a contract between City and R.L. Persons Construction, Inc., relative to MODOT project No. 08-069A 1&2 at Fredericktown Regional Airport . . ." A motion was made by Merriman with a second by Tripp to read the ordinance the second time by title only. Motion carried. **Ordinance 08-64 duly adopted.**
- 2) **An Ordinance approving and adopting amendments to the Section 2.102 of the City of Fredericktown Policy #06-01 "Personnel Rules and Regulations" by adding a paragraph entitled "Temporary Transitional Duty".** A motion was made by Merriman with a second by Thomas 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 amendments to the Section 2.102 of the City Policy #06-01 "Personnel Rules and Regulations" by adding a paragraph entitled "Temporary Transitional Duty" . . ." Vote on the ordinance resulted in five (5) ayes and one (1) nay (Hale). A motion was made by Merriman with a second by Polete to read the ordinance the second time by title only. Motion carried. Vote on the ordinance resulted in five (5) ayes and one (1) nay (Hale). **Ordinance 08-65 duly adopted.**
- 3) **An Ordinance to adopt policy number 08-02 entitled "Temporary Transitional Duty Policy".** 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 adopt Policy Number 08-02 entitled "Temporary Transitional Duty Policy" providing temporary transitional duty opportunities for certain injured workers . . ." Vote on the ordinance resulted in five (5) ayes and one (1) nay (Hale). A motion was made by Merriman with a second by Thomas to read the ordinance the second time by title only. Motion carried. Vote on the ordinance resulted in five (5) ayes and one (1) nay (Hale). **Ordinance 08-66 duly adopted.**
- 4) **An Ordinance authorizing the Mayor to execute an amendment to the ground lease agreement by and between City and New Cingular Wireless PCS, LLC relative to the cell tower lease.** 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 an amendment to the ground lease agreement between City and New Cingular Wireless PCS, LLC relative to cell tower lease . . ." A motion was made by Merriman with a second by Polete to read the ordinance the second time by title only. Motion carried. **Ordinance 08-67 duly adopted.**
- 5) **An Ordinance authorizing the Mayor to execute a second amendment to the agreement for solid waste hauling and disposal between City and CWI of Missouri, Inc.** A motion was made by Hale 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 a second amendment to the agreement for solid waste hauling and disposal between City and CWI of Missouri, Inc. . . ." A motion was made by Merriman with a second by Polete to read the ordinance the second time by title only. Motion carried. **Ordinance 08-68 duly adopted.**
- 6) **An Ordinance to adopt policy number 08-03 entitled "U-Turns in the City of Fredericktown".** 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 to adopt Policy Number 08-03 entitled "U-Turns" providing guidelines and safety considerations for emergency vehicles when making u-turns in the City of Fredericktown . . ." A motion was made by Merriman with a second by Tripp to read the ordinance the second time by title only. Motion carried. **Ordinance 08-69 duly adopted.**

- 7) **Recommendation to request design and build proposals for downtown substation.** Dismuke explained the purpose of this recommendation was to place an ad in the newspaper for a design/build proposal for the downtown substation. A motion was made by Merriman with a second by Tripp to approve the recommendation. Motion carried unanimously.
- 8) **Discussion concerning a request for qualifications for an electrical engineer for the City of the infrastructure upgrades.** Dismuke explained a city electrical engineer would be necessary for the extensive electrical upgrades. Council concurred. Dismuke will put together the qualifications.
- 9) **An Ordinance amending Section 105.010 of Chapter 105 of the Municipal Code of Ordinance by amending the qualifications for members of the Board of Aldermen.** Hale proceeded to distribute this ordinance prepared by Attorney Moore as it was not included in the council packets. Hale explained the purpose of the ordinance was to eliminate alderman from receiving additional compensation from the city such as firemen. Tripp said this would eliminate “triple dipping”. A discussion ensued. It was noted an elected official cannot by State Statute refuse to accept their compensation as alderman; however, an individual who is receiving additional funds from the city, such as a firemen, could and should refuse to accept compensation. Both Alderman Hale and Tripp felt it was “morally and ethically the right thing to do”. After a lengthy discussion, a motion was made by Tripp with a second by Hale to read the ordinance in full the first time. Motion carried. Moore read: “An Ordinance amending Section 105.010 of Chapter 105 of the Municipal Code of Ordinances by amending the qualifications for members of the Board of Aldermen . . .” Voting aye: Hale and Tripp; voting nay – Thomas, Wright, Merriman; abstaining – Polete. A motion was then made by Tripp with a second by Hale to read the ordinance the second time title only. Moore read the ordinance. Voting aye: Hale and Tripp; voting nay – Thomas, Wright, Merriman; abstaining – Polete. Attorney Moore announced the ordinance failed to pass.
- 10) **Discussion concerning re-organization of the Board of Aldermen.** Aldermen Hale and Tripp asked Mayor Kemp why he changed his mind about asking Alderman Polete to resign as President of the Board as discussed at the last council meeting. Mayor Kemp said he did not change his mind . . . he asked Alderman Polete if he would consider resigning and Alderman Polete indicated he would not. Mayor Kemp went on to explain this was exactly what he told the Board he would do as instructed at the last council meeting. Hale asked Attorney Moore if items discussed in the last closed session leading up to this request for resignation could be discussed. Moore agreed. Hale then said he wanted it known “this is in no way a personal attack”. Hale went on to explain the DLB utility bill payment which took place last week. Tripp reiterated this is a “moral and ethical issue”. Aldermen Merriman, Thomas and Wright expressed their opinions stating they supported Alderman Polete. He was acting as an employee of DLB not as an alderman. Hale said he would not be responsible for any fines that may be assessed by the Missouri Ethics Commission on this issue. Both Hale and Tripp wanted the record to indicate their opposition to this situation. Hale ended the discussion by saying we all need to work together.
- 11) **Discussion concerning adding items to council agendas.** Hale began by asking why three items sent to the City Clerk were not on this agenda. He went on to ask “what criteria must be met to have items added?” Kemp explained any topics of discussion or concern needed to be placed on an agenda request form available in the clerk’s office. If the form is filled out he will see that the topic is placed on the agenda. The City Clerk was instructed to email the form to all aldermen.

**J. ADDITIONAL BUSINESS**

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

**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 Tripp with a second by Merriman to go into Closed Session. Roll call vote resulted in six ayes, zero nays and zero 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. After a lengthy discussion, a motion was made by Tripp with a second by Hale to leave the termination agreement in place. Roll call resulted in the following vote: voting aye: Hale, Tripp, Thomas; voting nay: Wright, Merriman, Polete. Mayor Kemp voted aye. The termination agreement will remain in place.
- 2) Personnel matter. A motion was made by Tripp with a second by Merriman to approve the recommendations of Ken McDowell to hire Derek King for recycling laborer and Mark Reese for work release guard. Motion carried with the following vote: voting aye: Tripp, Hale, Wright, Merriman, Thomas and Polete; there were no nay votes.
- 3) Personnel matter. After a brief discussion, a motion was made by Tripp with a second by Merriman to re-hire Jeff Farmer for water distribution. Motion carried with the following vote: voting aye: Merriman, Hale, Wright, Polete, Thomas, and Tripp; there were no nay votes.

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

**N. ANY OTHER BUSINESS**

**O. ADJOURNMENT.** Motion by Merriman to adjourn. Motion carried.

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Danny E. Kemp, Mayor

ATTEST:

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Barbara Stevens, City Clerk