

MINUTES
CITY COUNCIL MEETING
FREDERICKTOWN, MISSOURI
DAY/DATE: MONDAY, FEBRUARY 23, 2009
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, Alderman Thomas, 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 public meeting of February 9, 2009. A motion was made by Merriman with a second by Thomas to approve the minutes as presented. Motion carried.
- 2) Minutes of the regular council meeting of February 9, 2009. A motion was made by Merriman with a second by Wright to approve the minutes as presented. Motion carried.

C. APPROVAL OF AGENDA

- 1) Additions or deletions.
Add: One (1) contract item to Closed Session.
- 2) A motion was made by Polete with a second by Merriman to approve the agenda as amended. Motion carried.

D. PUBLIC COMMUNICATIONS AND ANNOUNCEMENTS

- 1) None.

E. PRESENTATIONS

- 1) **Financial reports – January (Shinn)** Shinn proceeded to review the financial statements with council. He recommended looking at utility rates but not necessarily making any changes at this point. Tripp suggested the Budget, Finance and Personnel Committee discuss some options. Shinn indicated some procedures for the utility billing department will be put in place soon.
- 2) **Mayor's recommendation to the Planning and Zoning Commission.** Mayor Kemp recommended Alderman Sie Merriman be placed on the commission to act as the board representative. A motion was made by Tripp with a second by Polete to approve the Mayor's recommendation. Motion carried.

F. REPORTS OF OFFICERS

- 1) **Mayor's report.**

G. REPORT FROM SPECIAL COMMITTEES AND STAFF

- 1) **Interim City Administrator report.** Dismuke indicated he would pass at this point of the meeting.
- 2) **City Marshal report - February**

H. OLD BUSINESS

- 1) **Resubmitted recommendation from Planning and Zoning Commission to vacate roadway easement near Business Park on property owned by Bey-Dorf.** Hale began by saying the last he remembered the city was willing to vacate the road but wanted another easement as trade-off. He felt the information presented from Planning and Zoning was still

not enough to make a decision. Dismuke said he wanted to recommend the city go ahead and do this and then we will get the easement later. Building Inspector Macke addressed council stating the city is asking for valuable property of Bey-Dorf as a trade-off which Bey-Dorf wants to develop commercially. Macke said once they determine what area they will not be using then they will grant the road easement to the city. Hale did not agree with this recommendation. He went on to say the land could be developed and the city left out. Tripp said he felt what was submitted to council was not acceptable. He wants details from the Planning and Zoning Commission and what their recommendation would be. Moore indicated a decision could be left as is until the area is developed then make a decision. A motion was then made by Hale with a second by Tripp to overturn the Planning and Zoning recommendation to deny the road be vacated at this time. Motion carried.

I. NEW BUSINESS

- 1) **An Ordinance allowing the “Show Me Green Sales Tax Holiday” to apply to the local sales taxes of the City of Fredericktown between April 19 and April 25, 2009.** A motion was made by Tripp 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 allowing the “Show Me Green Sales Tax Holiday” to apply to the local sales taxes of the City between April 19 and April 25, 2009 . . .” A motion was made by Merriman with a second by Thomas to read the ordinance the second time by title only. Motion carried. **Ordinance 09-05 duly adopted.**
- 2) **Ordinance approving the Madison Village Final Plat Phase I.** Moore said this ordinance was not ready to be adopted at this point. The developer must either post a performance bond prior to approving the final plat or the improvements must already be in place. Developer Ivan Kranjec asked why. Moore explained to Kranjec he and Kranjec’s counsel have spoken regarding this situation and Moore said he had not heard back from him at this point. Engineer McCaull said all of the necessary paperwork had been turned in as required. He went on to ask is it okay for us to proceed with the project. Moore said that is exactly the way it was designed to happen . . . once the improvements have been made, then the final plat can be approval. A motion was made by Polete with a second by Wright to table this ordinance. Motion carried.
- 3) **Ordinance authorizing the Mayor to execute a contract with Blakely and Associates.** Tripp expressed concern with the new immigration requirement for all contracts. Moore said it is already included in the wording of the contract. Tripp mentioned the “affidavit” requirement along these same lines. Moore said he is aware of no specific affidavit required under the law. Hale then asked about the 180 day term of completion in the contract. Dismuke explained Blakely felt the job could be completed by June. Dismuke suggested cutting the time to 120 days. A motion was then made by Hale with a second by Tripp to amend the contract to 120 days from the original 180 days. 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 an agreement between City and B & A Automation and Controls, Inc. relative to upgrade to the downtown substation . . .” A motion was made by Polete with a second by Thomas to read the ordinance the second time by title only. Motion carried. **Ordinance 09-06 duly adopted.**
- 4) **Recommendation for a primary electrical consultant for the city’s electric system upgrade.** Dismuke said the city received seven proposals from electrical engineers. After reviewing them all Dismuke recommended Blakely and Associates as primary and BHMG as the alternate. Dismuke indicated he felt Blakely has been responsive to our needs and has proven to have the city’s best interest at heart. A motion was made by Merriman with a second by Hale to approve the recommendation of Blakely and Associates for primary electrical consultant for the city’s electric system upgrade. Motion carried.
- 5) **Setting salary and duties for City marshal for next election term (2010) (Dismuke)** Hale expressed concern over not getting copies of documentation distributed before the meeting on

this topic. He indicated he would like time to review the information. Merriman then said the city had not given Wright any additional responsibilities other than acting as "interim" chief. He went on to say this must be done before December 2009. Qualifications, certifications and duties must be reviewed. Dismuke said he would like Planning, Development and Ordinance Committee to be responsible for this. Hale said he was concerned the PDO recommendations would not make it back to council before the new council takes office. A motion was then made by Hale with a second by Tripp to postpone addressing this issue until after the election in April. Motion carried.

- 6) **Discussion concerning increasing the deposit minimum for utility service. (Dismuke)**
Dismuke explained the present policy is to average the last two month's bill to determine the deposit needed with minimum of \$75 for electric and \$50 for water. Dismuke recommends the fee be changed to \$200 flat for all service but for rental properties any unpaid deposit balance owed is the responsibility of the landlord. Dismuke indicated an ordinance will be drafted and brought back to council subject to review by rental property landlords.
- 7) **Recommendation from the Planning and Zoning Commission to amend Section 405.180 of the Municipal Code Book to allow Special Use Permits for day cares in R-1 district and require proof of state license before any special use permit for day care is granted.**
Attorney Moore said most cities do not allow day cares in R-1 districts. A lengthy discussion ensued with the pros and cons of allowing day cares in an R-1 district. This recommendation will be looked at again and brought back to council at a later date.

J. ADDITIONAL BUSINESS

- 1) **Accounts payable I.** A motion was made by Polete with a second by Merriman 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 Merriman with a second by Polete 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 Thomas with a second by Hale to extend the contract of Dismuke for an additional year and remove the name of "interim" from his title. Motion carried with all voting aye.

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

N. ANY OTHER BUSINESS

O. ADJOURNMENT. Motion by Hale to adjourn. Motion carried.

Danny E. Kemp, Mayor

ATTEST:

Barbara Stevens, City Clerk

MINUTES
CITY COUNCIL WORK SESSION
FREDERICKTOWN, MISSOURI
FEBRUARY 23, 2009
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, Alderman Thomas, Alderman Wright, and 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 work session meeting of February 9, 2009.** 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: Jim Dismuke requested the addition one contract item to Closed Session.

2) **Approval of agenda.** A motion was made by Polete with a second by Tripp to approve the agenda as amended. Motion carried.

D. WORK SESSION BUSINESS

1) **Review of policy and procedures for contracted services. (Hale)** Hale said some time ago the city asked Attorney Moore to review policies and procedures in place for vendors the city utilizes for various services. He wanted to make sure all vendors keep their utility bills current and have a current business license. Council agreed these measures will be followed.

2) **Review policies and procedures for cold/hot weather rules for utility services. (Hale)** Hale read the present policy as indicated in the packets. Hale then asked how this relates to businesses. Alderman Merriman said this was reviewed at the last Planning, Development and Ordinance Committee meeting. The policy to disconnect businesses for failure to pay was already in place as long as the building does not have tenants living in the building. Any business which maintains perishable goods much be notified and given reasonable time to remove their perishable items. The question was asked "how long is reasonable?" Moore said our present policy of a ten day written notice should suffice.

3) **Discussion concerning a tiered billing structure for electric utility rates. (Hale)** Hale recommended the city move forward with looking into structuring rates to decrease if more is consumed. He went on to say this was discussed at one time. It was noted when MOPEP does the rate study this will also be part of what they look at.

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 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) Personnel matter. Discussion only; no voting actions taken.
- 2) Contract matter. Discussion only; no voting actions taken.
- 3) Personnel matter. After a brief discussion, a motion was made by Merriman with a second by Thomas to terminate Rick Forsythe from the utility billing department and hire a temp. Motion carried with all voting aye. There were no nay votes.
- 4) Real estate matter. Discussion only; no voting actions taken.

- 5) A motion was made by Tripp with a second by Hale to carry the remaining contract matter to the regular council meeting following this meeting. Motion carried.

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

F. ADJOURNMENT

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

Danny E. Kemp, Mayor

ATTEST:

Barbara Stevens, City Clerk