

MINUTES
CITY COUNCIL MEETING
FREDERICKTOWN, MISSOURI
DAY/DATE: MONDAY, JULY 13, 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 Thomas, Alderman Walts, Alderman Brown, and Alderman Merriman. Also present were: City Administrator Dismuke, City Attorney Moore, City Engineer Baer, City Clerk Stevens, Deputy Clerk Harbison, Department Heads and visitors.

B. APPROVAL OF MINUTES

- 1) Minutes of the regular council meeting of June 22, 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: To New Business – Change Order Number 1 from CE Contracting, Inc. relative to the water/sewer line relocation for the Hwy 72 by-pass project.
 - Add: Alderman Merriman requested Item 7 under New Business include a discussion on the City Administrator's e-mail report of July 7, 2009.
 - Add: Additional accounts payable item relative to a Pay Request by CE Contracting, Inc.
 - Delete: New Business Item #4 – Ordinance adopting a procurement policy.
- 2) A motion was made by Merriman with a second by Polete 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. REORT FROM SPECIAL COMMITTEES AND STAFF

- 1) **City Administrator's report.**
- 2) **City Marshal report – June.**
- 3) **Police Captain's report.** Alderman Merriman indicated the suggestion by Chief Wright to impose additional fines for repeat abatement offenders had merit. Therefore, a motion was made by Merriman with a second by Brown to authorize

Attorney Moore to prepare an amendment to the ordinance on nuisance abatements to cover multiple infractions. Motion carried.

- 4) **Municipal court docket - June.**
- 5) **Municipal court statistics - June.**
- 6) **Building inspector report – June.**

H. OLD BUSINESS

1) **Ordinance amending Chapter 610, by inserting therein new sections and subsection providing for licensing of peddlers, vendors and service providers.** A motion was made by Merriman with a second by Walts 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 Chapter 610, by inserting new sections and subsections providing for licensing of peddlers, solicitors and transient and itinerant merchants, vendors and service providers. . .” Motion was made by Polete with a second by Brown to read the ordinance the second time by title only. Motion carried. **Ordinance 09-26 duly adopted.**

I. NEW BUSINESS

1) **Ordinance authorizing the Mayor to execute a contract between City and Young’s General Contracting relative to debris removal under FEMA declaration.** 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 a contract between City and Young’s General Contracting, Inc. relative to debris removal under FEMA declaration . . .” Motion was made by Polete with a second by Brown to read the ordinance the second time by title only. Motion carried. **Ordinance 09-27 duly adopted.**

2) **Ordinance approving a *Special Use Permit* for property located at 408 West Main Street (Farm Bureau).** 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 approving a *Special Use Permit* for property located at 408 West Main Street . . .” A motion was made by Polete with a second by Thomas to read the ordinance the second time by title only. **Ordinance 09-28 duly adopted.**

3) **Ordinance approving the rezoning from R-2 General Residential District to C-2 Central Business District at 124 Buford Blvd. (Underriner House)** Building inspector Macke said there appeared to be some confusion over the correct commercial district – C-1 or C-2. A motion was made by Merriman with a second by Walts to table this ordinance until clarification could be made. Motion carried.

4) **Consideration of bids for roof repair to the Fire Station due to storm May 8, 2009.** A motion was made by Merriman with a second by Thomas to approve the low bid of Finch Construction. Motion carried.

5) **Discussion concerning VISTA workers use of city computers (Merriman)** Merriman said he had observed at various times the VISTA workers utilizing city computers which have personnel/accounting information. Merriman felt the city needed to supply a separate computer for internet access only for the workers. Walts explained the City Clerk’s computer has the ability to have the volunteers log-on separately.

Council concurred with all the suggestions. When Council was asked by the volunteers who would handle getting this in place, the council responded the city would take care of that.

6) **Review and discuss present independent labor contract with the current City Administrator. (Merriman)** Merriman began by stating this item was placed in open session as Dismuke is under contract and not an employee. He then stated the city needed to come to some kind-of agreement and establish the contract terms for current duties. Merriman said the city needed one clear single contract. Walts suggested following the city ordinances for a city administrator as listed in the Municipal Code Book and have the mayor appoint an administrator. A discussion ensued over contract employee versus non-contract employee status. A motion was then made by Thomas with a second by Brown to authorize Moore to prepare a corrected contract. Motion carried. The second part of this discussion was related to a discussion regarding an email report submitted by the city administrator on July 7, 2009. Merriman read the paragraph in question to council. He then referred to paragraph #6 in which Dismuke accused Merriman of wasting the City's money regarding setting a Planning, Development & Ordinance Committee meeting through the City Attorney. He refuted Dismuke's accusation relaying his justification for the PDO meeting. He asked Council how they felt the situation should be handled. Moore offered some suggestions, which Dismuke followed by sending an e-mail apology to everyone. Moore also said a resolution was also an option, but must have four councilmen to agree in order for the resolution to be made. Merriman felt the email apology did not exonerate Dismuke and was unacceptable to him. Dismuke said he would like to get this behind us and will do whatever it takes to see that this is accomplished. Aldermen Brown and Walts said they felt the email apology and public apology should be sufficient. Wright felt the council should proceed with the resolution. A motion was then made by Wright with a second by Polete to proceed with the resolution indicating the accusations by the City Administrator were unfounded against Aldermen Merriman and City Clerk Stevens concerning the email communication of July 2, 2009. Resolution passed with the following vote: voting aye - Wright, Polete, Thomas, Merriman; voting nay - Walts, Brown.

7) **Change Order Number 1 from CE Contracting, Inc. relative to the water/sewer line relocation for the Hwy 72 by-pass project.** A motion was made by Brown with a second by Walts to approve the Change Order No. 1. Motion carried.

J. ADDITIONAL BUSINESS

- 1) **Accounts payable I.** Motion was made by Brown with a second by Walts to approve the bills including the additional accounts payable for CE Contracting Pay Request No. 1. Motion carried.
- 2) **Accounts payable II.** Motion was made by Brown with a second by Walts to approve the bills. Motion carried with five ayes and one abstention (Thomas).

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 Brown with a second by Walts 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. After a brief discussion, a motion was made by Walts with a second by Merriman to approve the request to hire Norma Marberry as a police officer. Motion carried with all six voting aye.
- 2) Personnel matter. After a brief discussion, a motion was made by Walts with a second by Brown to approve the hiring of four temporary workers for FEMA debris removal purposes. Motion carried with all six voting aye.

Motion was made by Brown with a second by Walts to return to Open Session. Motion carried.

N. **ANY OTHER BUSINESS**

O. **ADJOURNMENT.** Motion by Polete with a second by Merriman to adjourn. Motion carried.

Danny E. Kemp, Mayor

ATTEST:

Barbara Stevens, City Clerk

MINUTES
CITY COUNCIL WORK SESSION
FREDERICKTOWN, MISSOURI
JULY 13, 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 Walts, Alderman Wright, Alderman Brown and Alderman Thomas. Also present were: City Administrator Dismuke, City Attorney Moore, City Engineer Baer, City Clerk Stevens, Deputy Clerk Harbison, department heads and visitors.

B. APPROVAL OF MINUTES

1) **Minutes of the work session meeting of June 22, 2009.** A motion was made by Merriman with a second by Walts to approve the minutes as amended. 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 Thomas to approve the agenda as presented. Motion carried.

D. WORK SESSION BUSINESS

1) **Consideration of a request by Charter Communications to overlash a six (6) count fiber optic cable on existing pole attachments.** Dismuke explained the request. He went on to say he thought the council might want to hold off granting the request as Charter still owes the City money from unpaid franchise fees. Merriman said if we deny this request for that reason how can the city continue offering Charter's service to any city customer. Brown asked if this request was new service. Dismuke said the request was to one business in town. A motion was then made by Merriman with a second by Brown to approve the request. Motion carried.

2) **Discussion and action concerning the need for an airport courtesy car. (Merriman)** Merriman said the city discussed this issue some time ago, but council has never followed through. Merriman went on to said based on a discussion he had with Ken McDowell and Tina Varnum he felt the car was still needed. However, Merriman said the City logo and City Administrator license plates needed to be removed and replaced with something like "Airport Courtesy Car". McDowell suggested keeping the old Crown Vic used in the past and budget for a replacement used vehicle in the next budget. It was noted the old car would require extensive repairs. McDowell will get estimates on repairs and report back to council.

3) **Review and discussion of establishing a policy, guidelines and procedures for procuring goods, services, products and property for the City of Fredericktown.** Merriman referenced his concerns particularly with the spending limits referenced in the document prepared by Attorney Moore. Walts suggested referring further review and discussion to the Planning, Development and Ordinance Committee. A motion was then made by Thomas with a second by Walts to refer to committee. Motion carried.

4) **Discussion of possible cell tower located on the elevated water tank by the Middle School. (Dismuke)** Dismuke explained the background of this request by US Cellular. He went on to say US Cellular would like the city to sign an agreement authorizing them access to the area in order to determine if the site is usable for their needs. A motion was made by Merriman with a second by Brown to allow Attorney Moore to review the agreement before the City commits. Motion carried.

5) **Review and discussion of the proposal by Horner & Shifrin for professional services related to Water Treatment Plant Disinfection System and Improvements.** Engineer Baer referred council to information included in the packet from Horner & Shifrin which included

the agreement to sign. Moore expressed concern "Exhibit C" Item 5: Professional Responsibility. A motion was made by Polete with a second by Thomas to table this item and have Moore pursue some changes in the agreement with Horner & Shifrin. Motion carried.

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

F. **ADJOURNMENT**

1) Motion was made by Merriman with a second by Brown to adjourn. Motion carried.

Danny E. Kemp, Mayor

ATTEST:

Barbara Stevens, City Clerk

MINUTES
PUBLIC HEARING
CITY COUNCIL
FREDERICKTOWN, MISSOURI
JULY 13, 2009
6:00 PM CITY HALL

Mayor Kemp declared the Public Hearing open at 6:00 pm. Kemp stated the purpose of the public hearing was to receive comments from the public on the proposed rezoning from R-2 to C-2 of property located at 124 Buford Blvd. (Underriner House). Mayor Kemp closed the public hearing at 6:15 pm after hearing no comments or questions from the public.

Danny E. Kemp, Mayor

ATTEST:

Barbara Stevens, City Clerk

MINUTES
PUBLIC HEARING
CITY COUNCIL
FREDERICKTOWN, MISSOURI
JULY 13, 2009
6:15 PM CITY HALL

Mayor Kemp declared the Public Hearing open at 6:15 pm. Kemp stated the purpose of the public hearing was to receive comments on recommendations from the Planning and Zoning Commission concerning a request for a Special Use Permit for an insurance office located at 408 West Main Street. Mayor Kemp closed the public hearing at 6:30 pm after hearing no comments or questions from the public.

Danny E. Kemp, Mayor

ATTEST:

Barbara Stevens, City Clerk