

MINUTES  
CITY COUNCIL MEETING  
FREDERICKTOWN, MISSOURI  
DAY/DATE: MONDAY, JULY 27, 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 Clerk Stevens, Deputy Clerk Harbison, Department Heads and visitors.

**B. APPROVAL OF MINUTES**

- 1) Minutes of the public meetings (2) of July 13, 2009. A motion was made by Merriman with a second by Thomas to approve the minutes of both meetings as presented. Motion carried.
- 2) Minutes of the regular council meeting of July 13, 2009. A motion was made by Polete 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 – Discussion concerning a proposal to change the City's retirement program (LAGERS) to non-contributory; discussion and review of the revised contract for James Dismuke as City Administrator.
- 2) A motion was made by Merriman with a second by Brown to approve the agenda as amended. Motion carried.

**D. PUBLIC COMMUNICATIONS AND ANNOUNCEMENTS**

- 1) None.

**E. PRESENTATIONS**

- 1) **Financial report – June.**

**F. REPORTS OF OFFICERS**

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

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

- 1) **City Administrator's report.**
- 2) **Police Captain's report.**

**H. OLD BUSINESS**

- 1) **Ordinance amending Title IV, Chapter 405, Section 405.180 (7) entitled special use regulations to modify the allowed zoning districts.** 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 amending Title IV, Chapter 405, Section 405.180 (7) entitled special use regulations to modify the allowed zoning districts in which a Special Use Permit may be issued for child and day care centers. . ." Motion was made by Polete with a second by Brown to read the ordinance the second time by title only. Motion carried. **Ordinance 09-29 duly adopted.**

2) **Ordinance amending Title II, Chapter 225 by enacting a new section prohibiting disorderly conduct.** 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 Title II, Chapter 225 by enacting a new section prohibiting disorderly conduct and carrying or possessing firearms in city buildings . . ." A motion was made by Polete with a second by Thomas to read the ordinance the second time by title only. Motion carried. **Ordinance 09-30 duly adopted.**

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

1) **Request to borrow \$500,000 under a line of credit to cover storm damage payments before FEMA reimbursements are received.** A motion was made by Polete with a second by Merriman to read the resolution in full. Motion carried. Moore read: "A Resolution authorizing the City to solicit proposals for providing financing to fund storm clean-up expenses in anticipation of certain revenue from the FEMA reimbursing a portion of such expenditures." **Resolution No. 2009-04 duly passed.**

2) **Ordinance approving the rezoning from R-2 General Residential District to C-2 Central Commercial District at 124 Buford Blvd. (Underinner House)** 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 the rezoning from R-2 to C-2 . . ." A motion was made by Brown with a second by Wright to read the ordinance the second time by title only. **Ordinance 09-31 duly adopted.**

3) **Ordinance authorizing the Mayor to execute a contract between City and Finch Construction relative to roof repairs to the Fire Station.** A motion was made by Merriman with a second by Wright 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 Finch Construction relative to roof repair to the fire station. . ." A motion was made by Brown with a second by Thomas to read the ordinance the second time by title only. Motion carried. **Ordinance 09-32 duly adopted.**

4) **Ordinance approving and authorizing Change Order No. 1 to a contract between City and CE Contracting, Inc. relative to water/sewer line relocation for Hwy 72 by-pass project.** 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 and authorizing Change Order No. 1 to a contract between City and CE Contracting, Inc. relative to water/sewer line relocation for Highway 72 by-pass." A motion was made by Brown with a second by Wright to read the ordinance the second time by title only. Motion carried. **Ordinance 09-33 duly adopted.**

5) **Ordinance amending Chapter 210, Section 210.100 relative to notice to abate the same ordinance.** A motion was made by Merriman with a second by Wright 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 210, Section 210.100 by inserting therein a new subsection providing for a penalty for the second and subsequent notices to abate the same nuisance. . ." A motion was made by Polete with a second by Brown to read the ordinance the second time by title only. Motion carried. **Ordinance 09-34 duly adopted.**

6) **An Ordinance amending Section 500.040(A) establishing regulations governing building standards for the airport.** A motion was made by Merriman with a second by Wright 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 Section 500.040 establishing regulations governing building standards for the Fredericktown Municipal Airport property. . ." A motion was made by Brown with a second by Wright to read the ordinance the second time by title only. Motion carried. **Ordinance 09-35 duly adopted.**

7) **Discussion and review of the revised contract for James Dismuke as City Administrator.** Alderman Merriman said he felt as Dismuke was a "contract" employee, the city should not be categorizing him as an employee and paying his payroll taxes. Merriman went on to say he had contacted the IRS concerning this situation and the IRS said a contract employee should be given a 1099. A discussion ensued as to how exactly Dismuke was being paid. City Clerk Stevens indicated he was listed in the accounting payroll system and was receiving a "payroll" check" like the other employees. Attorney Moore said he felt there was some confusion as to how Dismuke's salary should have been handled. He said it was his understanding Dismuke wanted no benefits but did want the city to pay his payroll taxes. Moore thought Dismuke's contracted salary was increased to cover those taxes to be paid by Dismuke not the City. A motion was then made by Walts with a second by Brown to table further discussion of this contract until the salary issue was determined. Motion carried with four ayes and two nays (Wright, Merriman).

8) **Ordinance authorizing the Mayor to execute a contract between City and James R. Dismuke.** A motion was made by Polete with a second by Thomas to table ordinance until salary issue was corrected. Motion carried.

9) **Discussion concerning a proposal to change the City's retirement program (LAGERS) to non-contributory.** Dismuke explained to council the city's retirement program. The city presently is contributory, which means full time employees pay 4% of each paycheck into their retirement. The City can opt for non-contributory, which would mean the city pays the 4% instead of the employee. The employee would no longer have the 4% taken out of each paycheck. It was noted LAGERS requires cities who make changes to do so with a 45 day notification to the public. If council agrees the this change the city would notify LAGERS of the request. Once the 45 days have passed council can then chose to officially adopt the change with an ordinance. Only then will the change become official. A motion was then made by Brown with a second by Walts to proceed with the notification to LAGERS. Motion carried.

**J. ADDITIONAL BUSINESS**

1) **Accounts payable I.** Motion was made by Walts with a second by Polete to approve the bills. Motion carried. A motion was also made by Walts with a second by Brown to pay the additional payable to Young's Contracting for debris removal in the amount of \$86,666.78. Motion carried.

**K. REMARKS FROM GENERAL PUBLIC**

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

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Danny E. Kemp, Mayor

ATTEST:

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Barbara Stevens, City Clerk

MINUTES  
CITY COUNCIL WORK SESSION  
FREDERICKTOWN, MISSOURI  
JULY 27, 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 Clerk Stevens, department heads and visitors.

**B. APPROVAL OF MINUTES**

1) **Minutes of the work session meeting of July 13, 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: City employee appreciation dinner (Polete); Security at the Memorial Park pool; and Request by the Water Plant to send an employee to training in Festus (Dismuke).

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

**D. WORK SESSION BUSINESS**

1) **Discussion and presentation by Blakely & Associates (City's electrical engineers) regarding the proposal for upgrade to the warehouse substation at Kelley and Collier Streets.** Blakely addressed council with his proposal for upgrades to the warehouse substation. He indicated this is the most urgent upgrade needed since the downtown sub is now complete. Blakely recommended the Ameren interconnect located at the warehouse be upgraded at the same time as it, too, is critical. Blakely stated his proposal included using Cap A Substation materials. Some discussion ensued, but Council made no decision at this time.

2) **Proposal by YGCI Disaster Recovery for removal of hangers/leaners from City street right-of-ways, City parks, and other City-owned properties. (amendment to existing contract).** City Clerk Stevens explained to council the proposal on the next phase of FEMA debris removal. A motion was then made by Polete with a second by Walts to approve the amendment to the contract for hangers, leaners and stumps in the amount of \$36,289.00. Motion carried.

3) **City employee appreciation dinner.** Alderman Polete suggested August 21<sup>st</sup> as the date for an employee appreciation dinner including a half day off. The event is for employees and their families in appreciation for all their hard work and dedication during the May 8<sup>th</sup> storm. The City would close from noon to 4:00 pm with the pool remaining open until 5:00 pm. A motion was then made by Polete with a second by Merriman to approve the event. Motion carried.

4) **Security at the pool.** Alderman Polete stated the pool had been vandalized several times since it opened. He suggested putting some type of security lights to help deter vandals. Council concurred. Electric Manager Wasson will take care of the lights.

5) **Request by the Water Plant to send an employee to training in Festus.** Dismuke explained to council the need to send our newest water plant operator trainee to classes for training at a cost of \$350. A motion was made by Walts with a second by Thomas to approve the request. Motion carried.

6) **Discussion and review of the revised contract for James Dismuke as City Administrator.** A motion was made by Merriman with a second by Brown to table this discussion to the regular council meeting following this meeting. Motion carried.

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

F. **ADJOURNMENT**

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

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Danny E. Kemp, Mayor

ATTEST:

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Barbara Stevens, City Clerk