

MINUTES
CITY COUNCIL MEETING
FREDERICKTOWN, MISSOURI
DAY/DATE: MONDAY, AUGUST 10, 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 July 27, 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 – Alderman Merriman requested the addition of a Planning and Zoning Commission action.
- 2) A motion was made by Walts 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. REPORT FROM SPECIAL COMMITTEES AND STAFF

- 1) City Administrator's report.
- 2) City Marshal's report – July
- 3) Building Inspector's report – July
- 4) Municipal court statistics – July
- 5) Municipal court docket - July

H. OLD BUSINESS

- 1) Ordinance authorizing the Mayor to execute a contract between City and James R. Dismuke. (Exhibit A-contract was included in work session packet). A motion was made by Walts 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 contract between City and James R. Dismuke as City Administrator. . ." Vote taken on the ordinance was as follows: voting aye: Walts, Brown, Thomas; voting nay: Wright, Polete, Merriman. Motion was made by Merriman with a second by Thomas to read the ordinance the second time by title only. Vote taken on the ordinance was as follows: voting aye: Walts, Brown, Thomas; voting nay: Wright, Polete, Merriman. Mayor Kemp broke the tie vote with an aye vote. Motion carried. **Ordinance 09-36 duly adopted.**

I. **NEW BUSINESS**

1) **Ordinance authorizing the Mayor to execute a first addendum to debris removal program agreement dated July 21, 2009.** A motion was made by Brown 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 authorizing the Mayor to execute a first addendum to debris removal program agreement dated July 21, 2009 to provide additional work by Young's General Contracting Inc. . ." A motion was made by Brown with a second by Polete to read the ordinance the second time by title only. Motion carried. **Ordinance 09-37 duly adopted.**

2) **Ordinance approving the plat for Hanco Heights Minor Subdivision.** 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 approving the plat for Hanco Heights Minor Subdivision. . ." A motion was made by Brown with a second by Wright to read the ordinance the second time by title only. **Ordinance 09-38 duly adopted.**

3) **Ordinance authorizing the acceptance of a Temporary Easement Deed from G & T Rentals.** 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 with Thomas abstaining. Moore read: "An Ordinance authorizing the acceptance of a temporary easement deed from G & T Rentals relative to the Commercial Drive re-construction project. . ." A motion was made by Brown with a second by Wright to read the ordinance the second time by title only. Motion carried with Thomas abstaining. **Ordinance 09-39 duly adopted.**

4) **Ordinance authorizing the Mayor to execute a contract between City and Horner & Shifrin. (Exhibit A – agreement was included in work session packet)** 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 authorizing the Mayor to execute an agreement between City and Horner & Shifrin relative to professional services related to water treatment plant disinfection system and water system improvement study-Phase I. . ." A motion was made by Merriman with a second by Brown to read the ordinance the second time by title only. Motion carried. **Ordinance 09-40 duly adopted.**

5) **A recommendation regarding the Planning and Zoning Commission.** Alderman Merriman stated he would need to resign his appointment to the Planning and Zoning Commission as the Council's representative due to a work scheduling conflict. A motion was then made by Thomas with a second by Wright to accept Merriman's resignation. Motion carried. Merriman then indicated he spoke with Alderman Walts who expressed

his interest in filling the appointed position. Mayor Kemp recommended to council Alderman Walts fulfill the appointment to the Planning and Zoning Commission as the council's representative. A motion was then made by Brown with a second by Wright to approve the Mayor's appointment of Walts. Motion carried.

J. ADDITIONAL BUSINESS

- 1) **Accounts payable I.** It was noted to Council by the City Clerk there was not enough money in General Fund to cover the payables presented to council. A motion was then made by Merriman with a second by Walts to approve the bills as funds become available. Motion carried.
- 2) **Account payable II.** A motion was made by Brown with a second by Thomas to approve the bills as funds become available. 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) None.

N. ANY OTHER BUSINESS

O. ADJOURNMENT. Motion by Brown 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
AUGUST 10, 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, and Alderman Thomas. Absent at the time of roll call was Alderman Brown. 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 July 27, 2009.** A motion was made by Merriman with a second by Walts to approve the minutes as presented. Motion carried.

C. APPROVAL OF AGENDA

1) **Additions or deletions.**

Add: Request for proposals for Kelley Street utility warehouse substation upgrade.

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

Note: Alderman Brown arrived at 5:45 pm.

D. WORK SESSION BUSINESS

1) **Discussion concerning electric pole attachment agreements (i.e. AT&T, Charter and Missouri Natural Gas DBA Cellnet)** Merriman began by stating there had been a number of downed power lines due to low hanging telephone and cable lines costing the city a great deal in time and money to repair. He felt it was important to pursue pole attachment agreements with each user. He went on to say he had contacted the City Clerk to do research on what type of agreements were already in place. The agreements in place did not mention pole attachment agreements or rental fees. Council agreed to have Attorney Moore pursue obtaining pole attachment agreements.

2) **Discussion concerning the status of pursuing delinquent utility bills through Municipal Court system.** Dismuke stated the city was lacking in collection of overdue utility bills. He went on to explain the city presently is utilizing the shut-off method. Dismuke suggested using Erica Settle to pursue collection through the court system. Moore indicated any legal pursuit must be through the Circuit Court system and not Municipal Court. Dismuke will have Settle start working on that process.

3) **Discussion and review of the revised contract for James Dismuke as City Administrator.** Merriman noted the salary increase to \$60,000 which, including benefits, totals \$65,460. A discussion ensued over why the increase. It was noted the original contract of \$52,000 including the payroll taxes paid by the city would have totaled \$56,732. Moore said he was instructed to make these changes which include an increase in hours from 20 to 28. It was noted Dismuke would now be categorized as a part time employee not a contracted employee. Thomas then suggested the agreement be looked at in a year and the city pursue finding a full time administrator. A motion was then made by Thomas with a second by Brown to that effect. Motion carried with the following vote: voting aye: Thomas, Brown, Walts; voting nay: Wright, Polete, Merriman. Mayor Kemp broke the tie voting aye.

4) **Discussion and review of the revised proposal by Horner & Shifrin for professional services related to Water Treatment Plant Disinfection System.** Council had requested Moore to make some changes to the original proposal. Attorney Moore said the agreement was

ready to go from a legal standpoint. A motion was then made by Brown with a second Walts to recommend the proposal be approved. Motion carried.

5) **Request for proposals for Kelley Street utility warehouse substation upgrade.** Dismuke said Blakely's presentation at the last work session was very thorough. He went on to say he had contacted Ewell Lawson at MOPEP to discuss financing the \$450,000 needed for the upgrade. Expenses will come out of next year's budget, but the orders needed to be placed now to insure availability. A motion was then made by Walts with a second by Thomas to approve Blakely's proposal to proceed with obtaining design and build proposals. Motion carried.

E. **CLOSED SESSION** (As authorized by RSMo Section 610.021). Motion was made by Merriman 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) Contract matter – After a brief explanation as to the purpose, a motion was made by Merriman with a second by Walts to approve the requested concessions. Motion carried with all voting aye.

A motion was made by Polete with a second by Merriman to return to Open Session. Motion carried.

F. **ADJOURNMENT**

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

Danny E. Kemp, Mayor

ATTEST:

Barbara Stevens, City Clerk